

House Study Bill 764

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY HOUSE
APPROPRIATIONS SUBCOMMITTEE
ON HEALTH AND HUMAN SERVICES)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 human services, the department of elder affairs, the Iowa
3 department of public health, the department of veterans
4 affairs and the Iowa veterans home, and the department of
5 inspections and appeals, providing for fee increases, and
6 including other related provisions and appropriations, and
7 providing effective dates.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 5193HB 81
10 pf/gg/14

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1 1 DIVISION I
1 2 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 3 ELDER AFFAIRS
1 4 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 5 appropriated from the general fund of the state to the
1 6 department of elder affairs for the fiscal year beginning July
1 7 1, 2006, and ending June 30, 2007, the following amount, or so
1 8 much thereof as is necessary, to be used for the purposes
1 9 designated:
1 10 For aging programs for the department of elder affairs and
1 11 area agencies on aging to provide citizens of Iowa who are 60
1 12 years of age and older with case management for the frail
1 13 elderly, resident advocate committee coordination, employment,
1 14 and other services which may include, but are not limited to,
1 15 adult day services, respite care, chore services, telephone
1 16 reassurance, information and assistance, and home repair
1 17 services, and for the construction of entrance ramps which
1 18 make residences accessible to the physically handicapped, and
1 19 for salaries, support, administration, maintenance,
1 20 miscellaneous purposes, and for not more than the following
1 21 full-time equivalent positions with the department of elder
1 22 affairs:
1 23 \$ 3,627,645
1 24 FTEs 30.50
1 25 1. Funds appropriated in this section may be used to
1 26 supplement federal funds under federal regulations. To
1 27 receive funds appropriated in this section, a local area
1 28 agency on aging shall match the funds with moneys from other
1 29 sources according to rules adopted by the department. Funds
1 30 appropriated in this section may be used for elderly services
1 31 not specifically enumerated in this section only if approved
1 32 by an area agency on aging for provision of the service within
1 33 the area.
1 34 2. Of the funds appropriated in this section, \$2,153,208
1 35 shall be used for case management for the frail elderly. Of
2 1 the funds allocated in this subsection, \$750,000 shall be
2 2 transferred to the department of human services in equal
2 3 amounts on a quarterly basis for reimbursement of case
2 4 management services provided under the medical assistance
2 5 elderly waiver. The monthly cost per client for case
2 6 management for the frail elderly services provided shall not
2 7 exceed \$70. It is the intent of the general assembly that the
2 8 additional funding provided for case management for the frail
2 9 elderly for the fiscal year beginning July 1, 2006, and ending
2 10 June 30, 2007, shall be used to provide case management
2 11 services for an additional 1,650 individuals.
2 12 3. Of the funds appropriated in this section, \$25,000

2 13 shall be used to provide training to members of area agency on
2 14 aging advisory councils pursuant to section 231.23.
2 15 4. Of the funds appropriated in this section, \$200,198
2 16 shall be transferred to the department of economic development
2 17 for the Iowa commission on volunteer services to be used for
2 18 the retired and senior volunteer program.

2 19 HEALTH

2 20 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
2 21 appropriated from the general fund of the state to the Iowa
2 22 department of public health for the fiscal year beginning July
2 23 1, 2006, and ending June 30, 2007, the following amounts, or
2 24 so much thereof as is necessary, to be used for the purposes
2 25 designated:

2 26 1. ADDICTIVE DISORDERS

2 27 For reducing the prevalence of use of tobacco, alcohol, and
2 28 other drugs, and treating individuals affected by addictive
2 29 behaviors, including gambling, and for not more than the
2 30 following full-time equivalent positions:

2 31 \$ 1,761,036
2 32 FTEs 4.35

2 33 The department and any grantee or subgrantee of the
2 34 department shall not discriminate against a nongovernmental
2 35 organization that provides substance abuse treatment and
3 1 prevention services or applies for funding to provide those
3 2 services on the basis that the organization has a religious
3 3 character.

3 4 Of the moneys appropriated in this subsection, \$30,310
3 5 shall be used to continue to provide funding to local
3 6 communities that have previously received funding from the
3 7 centers for disease control and prevention of the United
3 8 States department of health and human services for secondhand
3 9 smoke education initiatives.

3 10 2. HEALTHY CHILDREN AND FAMILIES

3 11 For promoting the optimum health status for children,
3 12 adolescents from birth through 21 years of age, and families
3 13 and for not more than the following full-time equivalent
3 14 positions:

3 15 \$ 1,866,264
3 16 FTEs 7.60

3 17 Of the funds appropriated in this subsection, not more than
3 18 \$645,917 shall be used for the healthy opportunities to
3 19 experience success (HOPES)=healthy families Iowa (HFI) program
3 20 established pursuant to section 135.106. The department shall
3 21 transfer the funding allocated for the HOPES=HFI program to
3 22 the Iowa empowerment board for distribution and shall assist
3 23 the board in managing the contracting for the funding. The
3 24 funding shall be distributed to renew the grants that were
3 25 provided to the grantees that operated the program during the
3 26 fiscal year ending June 30, 2006.

3 27 3. CHRONIC CONDITIONS

3 28 For serving individuals identified as having chronic
3 29 conditions or special health care needs, and for not more than
3 30 the following full-time equivalent positions:

3 31 \$ 1,442,840
3 32 FTEs 2.35

3 33 Of the funds appropriated in this subsection, not more than
3 34 \$100,000 shall be used to leverage federal funding through the
3 35 federal Ryan White Care Act, Title II, AIDS drug assistance
4 1 program supplemental drug treatment grants.

4 2 4. COMMUNITY CAPACITY

4 3 For strengthening the health care delivery system at the
4 4 local level, and for not more than the following full-time
4 5 equivalent positions:

4 6 \$ 1,418,662
4 7 FTEs 10.75

4 8 Of the funds appropriated in this subsection, \$100,000 is
4 9 allocated for a child vision screening program implemented
4 10 through the university of Iowa hospitals and clinics in
4 11 collaboration with community empowerment areas.

4 12 5. ELDERLY WELLNESS

4 13 For optimizing the health of persons 60 years of age and
4 14 older:

4 15 \$ 9,233,985

4 16 6. ENVIRONMENTAL HAZARDS

4 17 For reducing the public's exposure to hazards in the
4 18 environment, primarily chemical hazards, and for not more than
4 19 the following full-time equivalent positions:

4 20 \$ 623,821
4 21 FTEs 1.75

4 22 The amount appropriated in this subsection includes
4 23 \$350,000 in continued funding for childhood lead poisoning

4 24 prevention activities for counties not receiving federal
4 25 funding for this purpose prior to July 1, 2005, and of this
4 26 amount, \$50,000 is allocated for a pilot project to address
4 27 lead poisoning prevention and remediation activities in a
4 28 three-county program in north central Iowa with a combined
4 29 population of at least 50,000.

4 30 7. INFECTIOUS DISEASES

4 31 For reducing the incidence and prevalence of communicable
4 32 diseases, and for not more than the following full-time
4 33 equivalent positions:

4 34 \$ 1,258,230
4 35 FTEs 4.75

5 1 If House File 2493 or other legislation providing for a
5 2 viral hepatitis program and study is enacted into law, of the
5 3 funds appropriated in this subsection, \$158,000 is allocated
5 4 for a viral hepatitis program and study.

5 5 8. PUBLIC PROTECTION

5 6 For protecting the health and safety of the public through
5 7 establishing standards and enforcing regulations, and for not
5 8 more than the following full-time equivalent positions:

5 9 \$ 7,891,473
5 10 FTEs 109.80

5 11 Of the funds appropriated in this subsection, \$643,500
5 12 shall be credited to the emergency medical services fund
5 13 created in section 135.25.

5 14 9. RESOURCE MANAGEMENT

5 15 For establishing and sustaining the overall ability of the
5 16 department to deliver services to the public, and for not more
5 17 than the following full-time equivalent positions:

5 18 \$ 1,016,420
5 19 FTEs 3.00

5 20 10. IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

5 21 For continuation of the formal network of safety net
5 22 providers as provided in 2005 Iowa Acts, chapter 175, section
5 23 2, subsection 12. Of the amount appropriated in this division
5 24 of this Act for the medical assistance program, \$1,100,000 is
5 25 transferred to the appropriations made in this subsection.

5 26 The amount transferred is allocated as follows:

5 27 a. To continue the contract for the program to develop an
5 28 Iowa collaborative safety net provider network:
5 29 \$ 450,000

5 30 b. For continuation of the incubation grant program to
5 31 community health centers that receive a total score of 85
5 32 based on the evaluation criteria of the health resources and
5 33 services administration of the United States department of
5 34 health and human services:

5 35 \$ 650,000

6 1 The university of Iowa hospitals and clinics under the
6 2 control of the state board of regents shall not receive
6 3 indirect costs from the funds appropriated in this section.

6 4 Sec. 3. DEPARTMENT OF PUBLIC HEALTH == ADDITIONAL
6 5 PROVISIONS.

6 6 For the fiscal year beginning July 1, 2006, and ending June
6 7 30, 2007:

6 8 1. A local health care provider or nonprofit health care
6 9 organization seeking grant moneys administered by the Iowa
6 10 department of public health shall provide documentation that
6 11 the provider or organization has coordinated its services with
6 12 other local entities providing similar services.

6 13 2. a. The department shall apply for available federal
6 14 funds for sexual abstinence education programs.

6 15 b. It is the intent of the general assembly to comply with
6 16 the United States Congress' intent to provide education that
6 17 promotes abstinence from sexual activity outside of marriage
6 18 and reduces pregnancies, by focusing efforts on those persons
6 19 most likely to father and bear children out of wedlock.

6 20 c. Any sexual abstinence education program awarded moneys
6 21 under the grant program shall meet the definition of
6 22 abstinence education in the federal law. Grantees shall be
6 23 evaluated based upon the extent to which the abstinence
6 24 program successfully communicates the goals set forth in the
6 25 federal law.

6 26 Sec. 4. GAMBLING TREATMENT FUND == APPROPRIATION. In lieu
6 27 of the appropriation made in section 135.150, subsection 1,
6 28 there is appropriated from funds available in the gambling
6 29 treatment fund created in section 135.150 to the Iowa
6 30 department of public health for the fiscal year beginning July
6 31 1, 2006, and ending June 30, 2007, the following amount, or so
6 32 much thereof as is necessary, to be used for the purposes
6 33 designated:

6 34 1. ADDICTIVE DISORDERS

6 35 To be utilized for the benefit of persons with addictions:
 7 1 \$ 1,690,000
 7 2 It is the intent of the general assembly that from the
 7 3 moneys appropriated in this subsection, persons with a dual
 7 4 diagnosis of substance abuse and gambling addictions shall be
 7 5 given priority in treatment services.
 7 6 2. GAMBLING TREATMENT PROGRAM
 7 7 The amount remaining in the gambling treatment fund after
 7 8 the appropriation made in subsection 1 is appropriated to the
 7 9 department to be used for funding of administrative costs and
 7 10 to provide programs which may include, but are not limited to,
 7 11 outpatient and follow-up treatment for persons affected by
 7 12 problem gambling, rehabilitation and residential treatment
 7 13 programs, information and referral services, education and
 7 14 preventive services, and financial management services. Of
 7 15 the amount appropriated in subsection 1, up to \$100,000 may be
 7 16 used for the licensing of gambling treatment programs as
 7 17 provided in section 135.150.

7 18 DEPARTMENT OF VETERANS AFFAIRS

7 19 Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is
 7 20 appropriated from the general fund of the state to the
 7 21 department of veterans affairs for the fiscal year beginning
 7 22 July 1, 2006, and ending June 30, 2007, the following amounts,
 7 23 or so much thereof as is necessary, to be used for the
 7 24 purposes designated:

7 25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
 7 26 For salaries, support, maintenance, miscellaneous purposes,
 7 27 including the war orphans educational aid fund established
 7 28 pursuant to chapter 35 and for not more than the following
 7 29 full-time equivalent positions:
 7 30 \$ 522,114
 7 31 FTEs 6.50

7 32 Of the funds appropriated in this subsection, \$50,000 is
 7 33 allocated for county commissions of veterans affairs to
 7 34 utilize retired and senior volunteers through programs
 7 35 established pursuant to chapter 15H to identify and increase
 8 1 the use of benefits available through the United States
 8 2 department of veterans affairs. County commissions that
 8 3 currently lack the capacity to conduct adequate outreach or
 8 4 have a disproportionate number of eligible persons not
 8 5 receiving benefits shall have priority in funding allocations.

8 6 2. IOWA VETERANS HOME
 8 7 For salaries, support, maintenance, and miscellaneous
 8 8 purposes and for not more than the following full-time
 8 9 equivalent positions:
 8 10 \$ 13,569,501
 8 11 FTEs 874.55

8 12 HUMAN SERVICES

8 13 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 8 14 GRANT. There is appropriated from the fund created in section
 8 15 8.41 to the department of human services for the fiscal year
 8 16 beginning July 1, 2006, and ending June 30, 2007, from moneys
 8 17 received under the federal temporary assistance for needy
 8 18 families (TANF) block grant pursuant to the federal Personal
 8 19 Responsibility and Work Opportunity Reconciliation Act of
 8 20 1996, Pub. L. No. 104-193, and successor legislation, which
 8 21 are federally appropriated for the federal fiscal years
 8 22 beginning October 1, 2005, and ending September 30, 2006, and
 8 23 beginning October 1, 2006, and ending September 30, 2007, the
 8 24 following amounts, or so much thereof as is necessary, to be
 8 25 used for the purposes designated:

8 26 1. To be credited to the family investment program account
 8 27 and used for assistance under the family investment program
 8 28 under chapter 239B:
 8 29 \$ 43,096,689
 8 30 2. To be credited to the family investment program account
 8 31 and used for the job opportunities and basic skills (JOBS)
 8 32 program, and implementing family investment agreements, in
 8 33 accordance with chapter 239B:
 8 34 \$ 13,545,163

8 35 3. To be credited to the family investment program account
 9 1 and used for the JOBS program and the family development and
 9 2 self-sufficiency grant program for one-time expenditures to
 9 3 improve Iowa's ability to meet federal employment targets:
 9 4 \$ 1,244,000

9 5 Notwithstanding section 8.33, moneys appropriated in this
 9 6 subsection that remain unexpended at the close of the fiscal
 9 7 year shall not revert but shall remain available for
 9 8 expenditure for the purposes designated until the close of the
 9 9 succeeding fiscal year.

9 10 4. For implementation of grants to provide financial

9 11 education for needy families and others:
 9 12 \$ 200,000
 9 13 The department shall utilize a request for proposals
 9 14 process to award the grants.
 9 15 5. For field operations:
 9 16 \$ 16,782,495
 9 17 6. For general administration:
 9 18 \$ 3,744,000
 9 19 7. For local administrative costs:
 9 20 \$ 2,189,830
 9 21 8. For state child care assistance:
 9 22 \$ 14,556,560
 9 23 a. Of the funds appropriated in this subsection, \$200,000
 9 24 shall be used for provision of educational opportunities to
 9 25 registered child care home providers in order to improve
 9 26 services and programs offered by this category of providers
 9 27 and to increase the number of providers. The department may
 9 28 contract with institutions of higher education or child care
 9 29 resource and referral centers to provide the educational
 9 30 opportunities. Allowable administrative costs under the
 9 31 contracts shall not exceed 5 percent. The application for a
 9 32 grant shall not exceed two pages in length.
 9 33 b. The funds appropriated in this subsection shall be
 9 34 transferred to the child care and development block grant
 9 35 appropriation.
 10 1 9. For mental health and developmental disabilities
 10 2 community services:
 10 3 \$ 4,894,052
 10 4 10. For child and family services:
 10 5 \$ 32,084,430
 10 6 11. For child abuse prevention grants:
 10 7 \$ 250,000
 10 8 12. For pregnancy prevention grants on the condition that
 10 9 family planning services are funded:
 10 10 \$ 1,987,530
 10 11 Pregnancy prevention grants shall be awarded to programs in
 10 12 existence on or before July 1, 2006, if the programs are
 10 13 comprehensive in scope and have demonstrated positive
 10 14 outcomes. Grants shall be awarded to pregnancy prevention
 10 15 programs which are developed after July 1, 2006, if the
 10 16 programs are comprehensive in scope and are based on existing
 10 17 models that have demonstrated positive outcomes. Grants shall
 10 18 comply with the requirements provided in 1997 Iowa Acts,
 10 19 chapter 208, section 14, subsections 1 and 2, including the
 10 20 requirement that grant programs must emphasize sexual
 10 21 abstinence. Priority in the awarding of grants shall be given
 10 22 to programs that serve areas of the state which demonstrate
 10 23 the highest percentage of unplanned pregnancies of females of
 10 24 childbearing age within the geographic area to be served by
 10 25 the grant.
 10 26 13. For technology needs and other resources necessary to
 10 27 meet federal welfare reform reporting, tracking, and case
 10 28 management requirements:
 10 29 \$ 1,037,186
 10 30 14. For the healthy opportunities for parents to
 10 31 experience success (HOPES) program administered by the Iowa
 10 32 department of public health to target child abuse prevention:
 10 33 \$ 200,000
 10 34 15. To be credited to the state child care assistance
 11 35 appropriation made in this section to be used for funding of
 11 1 community-based early childhood programs targeted to children
 11 2 from birth through five years of age, developed by community
 11 3 empowerment areas as provided in section 28.9:
 11 4 \$ 7,350,000
 11 5 The department shall transfer TANF block grant funding
 11 6 appropriated and allocated in this subsection to the child
 11 7 care and development block grant appropriation in accordance
 11 8 with federal law as necessary to comply with the provisions of
 11 9 this subsection.
 11 10 16. For a pilot program to be established in one or more
 11 11 judicial districts, selected by the department and the
 11 12 judicial council, to provide employment and support services
 11 13 to delinquent child support obligors as an alternative to
 11 14 commitment to jail as punishment for contempt of court:
 11 15 \$ 200,000
 11 16 Of the amounts appropriated in this section, \$13,019,471
 11 17 for the fiscal year beginning July 1, 2006, shall be
 11 18 transferred to the appropriation of the federal social
 11 19 services block grant for that fiscal year. If the federal
 11 20 government revises requirements to reduce the amount that may
 11 21 be transferred to the federal social services block grant, it

11 22 is the intent of the general assembly to act expeditiously
11 23 during the 2007 legislative session to adjust appropriations
11 24 or the transfer amount or take other actions to address the
11 25 reduced amount.

11 26 The department may transfer funds allocated in this section
11 27 to the appropriations in this Act for general administration
11 28 and field operations for resources necessary to implement and
11 29 operate the services referred to in this section and those
11 30 funded in the appropriation made in this division of this Act
11 31 for the family investment program from the general fund.

11 32 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

11 33 1. Moneys credited to the family investment program (FIP)
11 34 account for the fiscal year beginning July 1, 2006, and ending
11 35 June 30, 2007, shall be used to provide assistance in
12 1 accordance with chapter 239B.

12 2 2. The department may use a portion of the moneys credited
12 3 to the FIP account under this section as necessary for
12 4 salaries, support, maintenance, and miscellaneous purposes and
12 5 for not more than the following full-time equivalent positions
12 6 which are in addition to any other full-time equivalent
12 7 positions authorized in this division of this Act:

12 8 FTEs 14.00

12 9 3. The department may transfer funds allocated in this
12 10 section to the appropriations in this Act for general
12 11 administration and field operations for resources necessary to
12 12 implement and operate the services referred to in this section
12 13 and those funded in the appropriation made in this division of
12 14 this Act for the family investment program from the general
12 15 fund of the state.

12 16 4. Moneys appropriated in this division of this Act and
12 17 credited to the FIP account for the fiscal year beginning July
12 18 1, 2006, and ending June 30, 2007, are allocated as follows:

12 19 a. For the family development and self-sufficiency grant
12 20 program as provided under section 217.12:

12 21 \$ 5,433,042

12 22 (1) Of the funds allocated for the family development and
12 23 self-sufficiency grant program in this lettered paragraph, not
12 24 more than 5 percent of the funds shall be used for the
12 25 administration of the grant program.

12 26 (2) The department may continue to implement the family
12 27 development and self-sufficiency grant program statewide
12 28 during FY 2006=2007.

12 29 b. For the diversion subaccount of the FIP account:

12 30 \$ 2,814,000

12 31 (1) A portion of the moneys allocated for the subaccount
12 32 may be used for field operations salaries, data management
12 33 system development, and implementation costs and support
12 34 deemed necessary by the director of human services in order to
12 35 administer the FIP diversion program.

13 1 (2) Of the funds allocated in this lettered paragraph, not
13 2 more than \$250,000 shall be used to develop or continue
13 3 community-level parental obligation pilot projects. The
13 4 requirements established under 2001 Iowa Acts, chapter 191,
13 5 section 3, subsection 5, paragraph "c", subparagraph (3),
13 6 shall remain applicable to the parental obligation pilot
13 7 projects for fiscal year 2006=2007.

13 8 c. For the food stamp employment and training program:

13 9 \$ 64,278

13 10 5. Of the child support collections assigned under FIP, an
13 11 amount equal to the federal share of support collections shall
13 12 be credited to the child support recovery appropriation. Of
13 13 the remainder of the assigned child support collections
13 14 received by the child support recovery unit, a portion shall
13 15 be credited to the FIP account and a portion may be used to
13 16 increase recoveries. If child support collections assigned
13 17 under FIP are greater than estimated, the state share of that
13 18 greater portion may be transferred to the child support
13 19 recovery appropriation.

13 20 6. The department may adopt emergency rules for the family
13 21 investment, food stamp, and medical assistance programs if
13 22 necessary to comply with federal requirements.

13 23 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
13 24 appropriated from the general fund of the state to the
13 25 department of human services for the fiscal year beginning
13 26 July 1, 2006, and ending June 30, 2007, the following amount,
13 27 or so much thereof as is necessary, to be used for the purpose
13 28 designated:

13 29 To be credited to the family investment program (FIP)
13 30 account and used for family investment program assistance
13 31 under chapter 239B:

13 32 \$ 42,749,885

13 33 1. Of the funds appropriated in this section, \$9,274,134
13 34 is allocated for the JOBS program.

13 35 2. Of the funds appropriated in this section, \$200,000
14 1 shall be used to provide a grant to an Iowa-based nonprofit
14 2 organization with a history of providing tax preparation
14 3 assistance to low-income Iowans in order to expand the usage
14 4 of the earned income tax credit. The purpose of the grant is
14 5 to supply this assistance to underserved areas of the state.
14 6 The grant shall be provided to an organization that has
14 7 existing national foundation support for supplying such
14 8 assistance that can also secure local charitable match
14 9 funding.

14 10 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
14 11 from the general fund of the state to the department of human
14 12 services for the fiscal year beginning July 1, 2006, and
14 13 ending June 30, 2007, the following amount, or so much thereof
14 14 as is necessary, to be used for the purposes designated:

14 15 For child support recovery, including salaries, support,
14 16 maintenance, and miscellaneous purposes and for not more than
14 17 the following full-time equivalent positions:

14 18 \$ 8,214,690
14 19 FTEs 450.00

14 20 1. The department shall expend up to \$31,000, including
14 21 federal financial participation, for the fiscal year beginning
14 22 July 1, 2006, for a child support public awareness campaign.
14 23 The department and the office of the attorney general shall
14 24 cooperate in continuation of the campaign. The public
14 25 awareness campaign shall emphasize, through a variety of media
14 26 activities, the importance of maximum involvement of both
14 27 parents in the lives of their children as well as the
14 28 importance of payment of child support obligations.

14 29 2. Federal access and visitation grant moneys shall be
14 30 issued directly to private not-for-profit agencies that
14 31 provide services designed to increase compliance with the
14 32 child access provisions of court orders, including but not
14 33 limited to neutral visitation site and mediation services.

14 34 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from
14 35 the general fund of the state to the department of human
15 1 services for the fiscal year beginning July 1, 2006, and
15 2 ending June 30, 2007, the following amount, or so much thereof
15 3 as is necessary, to be used for the purpose designated:

15 4 For medical assistance reimbursement and associated costs
15 5 as specifically provided in the reimbursement methodologies in
15 6 effect on June 30, 2006, except as otherwise expressly
15 7 authorized by law, including reimbursement for abortion
15 8 services, which shall be available under the medical
15 9 assistance program only for those abortions which are
15 10 medically necessary:

15 11 \$708,671,610
15 12 1. Medically necessary abortions are those performed under
15 13 any of the following conditions:

15 14 a. The attending physician certifies that continuing the
15 15 pregnancy would endanger the life of the pregnant woman.

15 16 b. The attending physician certifies that the fetus is
15 17 physically deformed, mentally deficient, or afflicted with a
15 18 congenital illness.

15 19 c. The pregnancy is the result of a rape which is reported
15 20 within 45 days of the incident to a law enforcement agency or
15 21 public or private health agency which may include a family
15 22 physician.

15 23 d. The pregnancy is the result of incest which is reported
15 24 within 150 days of the incident to a law enforcement agency or
15 25 public or private health agency which may include a family
15 26 physician.

15 27 e. Any spontaneous abortion, commonly known as a
15 28 miscarriage, if not all of the products of conception are
15 29 expelled.

15 30 2. The department shall utilize not more than \$60,000 of
15 31 the funds appropriated in this section to continue the
15 32 AIDS/HIV health insurance premium payment program as
15 33 established in 1992 Iowa Acts, Second Extraordinary Session,
15 34 chapter 1001, section 409, subsection 6. Of the funds
15 35 allocated in this subsection, not more than \$5,000 may be
16 1 expended for administrative purposes.

16 2 3. Of the funds appropriated to the Iowa department of
16 3 public health for addictive disorders, \$950,000 for the fiscal
16 4 year beginning July 1, 2006, shall be transferred to the
16 5 department of human services for an integrated substance abuse
16 6 managed care system.

16 7 4. Based upon a waiver from the federal centers for
16 8 Medicare and Medicaid services, the department shall provide a

16 9 period of 12 months of guaranteed eligibility for medical
16 10 assistance family planning services only, regardless of the
16 11 change in circumstances of a woman who was a medical
16 12 assistance recipient when a pregnancy ended. The department
16 13 shall also provide this eligibility to women of childbearing
16 14 age with countable income at or below 200 percent of the
16 15 federal poverty level. The department may adopt emergency
16 16 rules to implement this subsection.

16 17 5. a. The department shall aggressively pursue options
16 18 for providing medical assistance or other assistance to
16 19 individuals with special needs who become ineligible to
16 20 continue receiving services under the early and periodic
16 21 screening, diagnosis, and treatment program under the medical
16 22 assistance program due to becoming 21 years of age, who have
16 23 been approved for additional assistance through the
16 24 department's exception to policy provisions, but who have
16 25 health care needs in excess of the funding available through
16 26 the exception to policy process.

16 27 b. Of the funds appropriated in this section, \$100,000
16 28 shall be used for participation in one or more pilot projects
16 29 operated by a private provider to allow the individual or
16 30 individuals to receive service in the community in accordance
16 31 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
16 32 (1999), for the purpose of providing medical assistance or
16 33 other assistance to individuals with special needs who become
16 34 ineligible to continue receiving services under the early and
16 35 periodic screening, diagnosis, and treatment program under the
17 1 medical assistance program due to becoming 21 years of age,
17 2 who have been approved for additional assistance through the
17 3 department's exception to policy provisions, but who have
17 4 health care needs in excess of the funding available through
17 5 the exception to the policy provisions.

17 6 6. Of the funds available in this section, up to
17 7 \$3,050,082 may be transferred to the field operations or
17 8 general administration appropriations in this Act for
17 9 implementation and operational costs associated with Part D of
17 10 the federal Medicare Prescription Drug, Improvement, and
17 11 Modernization Act of 2003, Pub. L. No. 108=173.

17 12 7. The department shall initiate planning to address
17 13 options available under the federal Family Opportunity Act
17 14 enacted as part of the federal Deficit Reduction Act of 2005,
17 15 Pub. L. No. 109=171. The options addressed shall include but
17 16 are not limited to the option to allow families of children
17 17 with disabilities to purchase Medicaid coverage, other health
17 18 coverage options, and the option to apply to the centers for
17 19 Medicare and Medicaid services of the United States department
17 20 of health and human services for Iowa to participate in a
17 21 demonstration project to develop home and community-based
17 22 services as an alternative to psychiatric residential
17 23 treatment for children with psychiatric disabilities who are
17 24 enrolled in the Medicaid program. The department shall report
17 25 by December 15, 2006, to the persons designated by this Act to
17 26 receive reports regarding the planning activities and
17 27 recommendations regarding the options.

17 28 8. The department shall apply to the centers for Medicare
17 29 and Medicaid services of the United States department of
17 30 health and human services to participate in the Medicaid
17 31 transformation grants program as specified in section 6081 of
17 32 the federal Deficit Reduction Act of 2005, Pub. L. No. 109=
17 33 171, to implement initiatives including but not limited to
17 34 electronic medical records and medication risk management
17 35 under the Medicaid and IowaCare programs.

18 1 Sec. 11. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
18 2 is appropriated from the general fund of the state to the
18 3 department of human services for the fiscal year beginning
18 4 July 1, 2006, and ending June 30, 2007, the following amount,
18 5 or so much thereof as is necessary, to be used for the purpose
18 6 designated:

18 7 For administration of the health insurance premium payment
18 8 program, including salaries, support, maintenance, and
18 9 miscellaneous purposes, and for not more than the following
18 10 full-time equivalent positions:
18 11 \$ 634,162
18 12 FTEs 21.00

18 13 Sec. 12. MEDICAL CONTRACTS. There is appropriated from
18 14 the general fund of the state to the department of human
18 15 services for the fiscal year beginning July 1, 2006, and
18 16 ending June 30, 2007, the following amount, or so much thereof
18 17 as is necessary, to be used for the purpose designated:

18 18 For medical contracts, including salaries, support,
18 19 maintenance, and miscellaneous purposes:

18 20 \$ 14,417,985
18 21 Sec. 13. STATE SUPPLEMENTARY ASSISTANCE.
18 22 1. There is appropriated from the general fund of the
18 23 state to the department of human services for the fiscal year
18 24 beginning July 1, 2006, and ending June 30, 2007, the
18 25 following amount, or so much thereof as is necessary, to be
18 26 used for the purpose designated:
18 27 For the state supplementary assistance program:
18 28 \$ 18,710,335
18 29 2. The department shall increase the personal needs
18 30 allowance for residents of residential care facilities by the
18 31 same percentage and at the same time as federal supplemental
18 32 security income and federal social security benefits are
18 33 increased due to a recognized increase in the cost of living.
18 34 The department may adopt emergency rules to implement this
18 35 subsection.
19 1 3. If during the fiscal year beginning July 1, 2006, the
19 2 department projects that state supplementary assistance
19 3 expenditures for a calendar year will not meet the federal
19 4 pass-along requirement specified in Title XVI of the federal
19 5 Social Security Act, section 1618, as codified in 42 U.S.C. }
19 6 1382g, the department may take actions including but not
19 7 limited to increasing the personal needs allowance for
19 8 residential care facility residents and making programmatic
19 9 adjustments or upward adjustments of the residential care
19 10 facility or in-home health-related care reimbursement rates
19 11 prescribed in this division of this Act to ensure that federal
19 12 requirements are met. In addition, the department may make
19 13 other programmatic and rate adjustments necessary to remain
19 14 within the amount appropriated in this section while ensuring
19 15 compliance with federal requirements. The department may
19 16 adopt emergency rules to implement the provisions of this
19 17 subsection.
19 18 Sec. 14. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
19 19 appropriated from the general fund of the state to the
19 20 department of human services for the fiscal year beginning
19 21 July 1, 2006, and ending June 30, 2007, the following amount,
19 22 or so much thereof as is necessary, to be used for the purpose
19 23 designated:
19 24 For maintenance of the healthy and well kids in Iowa (hawk=
19 25 i) program pursuant to chapter 514I for receipt of federal
19 26 financial participation under Title XXI of the federal Social
19 27 Security Act, which creates the state children's health
19 28 insurance program:
19 29 \$ 19,703,715
19 30 Sec. 15. CHILD CARE ASSISTANCE. There is appropriated
19 31 from the general fund of the state to the department of human
19 32 services for the fiscal year beginning July 1, 2006, and
19 33 ending June 30, 2007, the following amount, or so much thereof
19 34 as is necessary, to be used for the purpose designated:
19 35 For child care programs:
20 1 \$ 21,801,198
20 2 1. Of the funds appropriated in this section, \$18,725,674
20 3 shall be used for state child care assistance in accordance
20 4 with section 237A.13.
20 5 2. Nothing in this section shall be construed or is
20 6 intended as, or shall imply, a grant of entitlement for
20 7 services to persons who are eligible for assistance due to an
20 8 income level consistent with the waiting list requirements of
20 9 section 237A.13. Any state obligation to provide services
20 10 pursuant to this section is limited to the extent of the funds
20 11 appropriated in this section.
20 12 3. Of the funds appropriated in this section, \$525,524 is
20 13 allocated for the statewide program for child care resource
20 14 and referral services under section 237A.26.
20 15 4. Of the funds appropriated in this section, \$1,350,000
20 16 is allocated for child care quality improvement initiatives
20 17 including but not limited to development and continuation of a
20 18 quality rating system.
20 19 5. The department may use any of the funds appropriated in
20 20 this section as a match to obtain federal funds for use in
20 21 expanding child care assistance and related programs. For the
20 22 purpose of expenditures of state and federal child care
20 23 funding, funds shall be considered obligated at the time
20 24 expenditures are projected or are allocated to the
20 25 department's service areas. Projections shall be based on
20 26 current and projected caseload growth, current and projected
20 27 provider rates, staffing requirements for eligibility
20 28 determination and management of program requirements including
20 29 data systems management, staffing requirements for
20 30 administration of the program, contractual and grant

20 31 obligations and any transfers to other state agencies, and
20 32 obligations for decategorization or innovation projects.

20 33 6. A portion of the state match for the federal child care
20 34 and development block grant shall be provided through the
20 35 state general fund appropriation for child development grants
21 1 and other programs for at-risk children in section 279.51.

21 2 7. Of the funds appropriated in this section, \$1,200,000
21 3 is transferred to the Iowa empowerment fund. The amount
21 4 transferred shall be used by the Iowa empowerment board in
21 5 collaboration with the Iowa state university of science and
21 6 technology cooperative extension service in agriculture and
21 7 home economics for support of professional development and
21 8 training activities for persons working in early care, health,
21 9 and education. Expenditures shall be limited to professional
21 10 development and training activities agreed upon by one or more
21 11 community empowerment boards and the extension service staff
21 12 assigned to the community empowerment areas under the boards.
21 13 Sec. 16. JUVENILE INSTITUTIONS. There is appropriated
21 14 from the general fund of the state to the department of human
21 15 services for the fiscal year beginning July 1, 2006, and
21 16 ending June 30, 2007, the following amounts, or so much
21 17 thereof as is necessary, to be used for the purposes
21 18 designated:

21 19 1. For operation of the Iowa juvenile home at Toledo and
21 20 for salaries, support, maintenance, and for not more than the
21 21 following full-time equivalent positions:
21 22 \$ 6,667,400
21 23 FTEs 118.50

21 24 a. Of the funds appropriated in this subsection, at least
21 25 \$25,000 is allocated for provision of books associated with
21 26 the education of children placed at the Iowa juvenile home.

21 27 b. It is the intent of the general assembly that effective
21 28 July 1, 2009, placements at the Iowa juvenile home will be
21 29 limited to females and that placements of boys at the home
21 30 will be diverted to other options. The department shall
21 31 utilize a study group to make recommendations on the options
21 32 for diversion of placements of boys and the study group shall
21 33 report on or before July 1, 2007, to the persons designated by
21 34 this division of this Act for submission of reports. The
21 35 membership of the study group shall include the parties
22 1 represented on the work group established for a similar
22 2 purpose by the child welfare services work group authorized by
22 3 the legislative council to meet in 1997-1999.

22 4 2. For operation of the state training school at Eldora
22 5 and for salaries, support, maintenance, and for not more than
22 6 the following full-time equivalent positions:
22 7 \$ 10,623,148
22 8 FTEs 196.55

22 9 Of the funds appropriated in this subsection, at least
22 10 \$40,000 is allocated for provision of books associated with
22 11 the education of children placed at the state training school.

22 12 3. A portion of the moneys appropriated in this section
22 13 shall be used by the state training school and by the Iowa
22 14 juvenile home for grants for adolescent pregnancy prevention
22 15 activities at the institutions in the fiscal year beginning
22 16 July 1, 2006.

22 17 Sec. 17. CHILD AND FAMILY SERVICES.

22 18 1. There is appropriated from the general fund of the
22 19 state to the department of human services for the fiscal year
22 20 beginning July 1, 2006, and ending June 30, 2007, the
22 21 following amount, or so much thereof as is necessary, to be
22 22 used for the purpose designated:

22 23 For child and family services:
22 24 \$ 80,715,373

22 25 In order to address a reduction of \$5,200,000 from the
22 26 amount allocated under this appropriation in prior years for
22 27 purposes of juvenile delinquent graduated sanction services,
22 28 up to \$5,200,000 of the amount of federal temporary assistance
22 29 for needy families block grant funding appropriated in this
22 30 division of this Act for child and family services, shall be
22 31 made available for purposes of juvenile delinquent graduated
22 32 sanction services.

22 33 2. The department may transfer funds appropriated in this
22 34 section as necessary to pay the nonfederal costs of services
22 35 reimbursed under the medical assistance program or the family
23 1 investment program which are provided to children who would
23 2 otherwise receive services paid under the appropriation in
23 3 this section. The department may transfer funds appropriated
23 4 in this section to the appropriations in this division of this
23 5 Act for general administration and for field operations for
23 6 resources necessary to implement and operate the services

23 7 funded in this section.

23 8 3. a. Of the funds appropriated in this section, up to
23 9 \$37,041,428 is allocated as the statewide expenditure target
23 10 under section 232.143 for group foster care maintenance and
23 11 services.

23 12 b. If at any time after September 30, 2006, annualization
23 13 of a service area's current expenditures indicates a service
23 14 area is at risk of exceeding its group foster care expenditure
23 15 target under section 232.143 by more than 5 percent, the
23 16 department and juvenile court services shall examine all group
23 17 foster care placements in that service area in order to
23 18 identify those which might be appropriate for termination. In
23 19 addition, any aftercare services believed to be needed for the
23 20 children whose placements may be terminated shall be
23 21 identified. The department and juvenile court services shall
23 22 initiate action to set dispositional review hearings for the
23 23 placements identified. In such a dispositional review
23 24 hearing, the juvenile court shall determine whether needed
23 25 aftercare services are available and whether termination of
23 26 the placement is in the best interest of the child and the
23 27 community.

23 28 c. Of the funds allocated in this subsection, \$1,510,661
23 29 is allocated as the state match funding for 50 highly
23 30 structured juvenile program beds. If the number of beds
23 31 provided for in this lettered paragraph is not utilized, the
23 32 remaining funds allocated may be used for group foster care.

23 33 4. In accordance with the provisions of section 232.188,
23 34 the department shall continue the child welfare and juvenile
23 35 justice funding initiative. Of the funds appropriated in this
24 1 section, \$2,500,000 is allocated specifically for expenditure
24 2 through the decategorization service funding pools and
24 3 governance boards established pursuant to section 232.188. In
24 4 addition, up to \$1,000,000 of the amount of federal temporary
24 5 assistance for needy families block grant funding appropriated
24 6 in this division of this Act for child and family services
24 7 shall be made available for purposes of the decategorization
24 8 initiative as provided in this subsection.

24 9 5. A portion of the funds appropriated in this section may
24 10 be used for emergency family assistance to provide other
24 11 resources required for a family participating in a family
24 12 preservation or reunification project to stay together or to
24 13 be reunified.

24 14 6. Notwithstanding section 234.35, subsection 1, for the
24 15 fiscal year beginning July 1, 2006, state funding for shelter
24 16 care paid pursuant to section 234.35, subsection 1, paragraph
24 17 "h", shall be limited to \$7,578,872.

24 18 7. Federal funds received by the state during the fiscal
24 19 year beginning July 1, 2006, as the result of the expenditure
24 20 of state funds appropriated during a previous state fiscal
24 21 year for a service or activity funded under this section, are
24 22 appropriated to the department to be used as additional
24 23 funding for services and purposes provided for under this
24 24 section. Notwithstanding section 8.33, moneys received in
24 25 accordance with this subsection that remain unencumbered or
24 26 unobligated at the close of the fiscal year shall not revert
24 27 to any fund but shall remain available for the purposes
24 28 designated until the close of the succeeding fiscal year.

24 29 8. Of the funds appropriated in this section, not more
24 30 than \$442,100 is allocated to provide clinical assessment
24 31 services as necessary to continue funding of children's
24 32 rehabilitation services under medical assistance in accordance
24 33 with federal law and requirements. The funding allocated is
24 34 the amount projected to be necessary for providing the
24 35 clinical assessment services.

25 1 9. Of the funds appropriated in this section, \$3,696,285
25 2 shall be used for protective child care assistance.

25 3 10. Of the funds appropriated in this section, up to
25 4 \$3,002,844 is allocated for the payment of the expenses of
25 5 court-ordered services provided to juveniles which are a
25 6 charge upon the state pursuant to section 232.141, subsection

25 7 4. Of the amount allocated in this subsection, up to
25 8 \$1,505,161 shall be made available to provide school-based
25 9 supervision of children adjudicated under chapter 232, of
25 10 which not more than \$15,000 may be used for the purpose of
25 11 training. A portion of the cost of each school-based liaison
25 12 officer shall be paid by the school district or other funding
25 13 source as approved by the chief juvenile court officer.

25 14 a. Notwithstanding section 232.141 or any other provision
25 15 of law to the contrary, the amount allocated in this
25 16 subsection shall be distributed to the judicial districts as
25 17 determined by the state court administrator. The state court

25 18 administrator shall make the determination of the distribution
25 19 amounts on or before June 15, 2006.

25 20 b. Notwithstanding chapter 232 or any other provision of
25 21 law to the contrary, a district or juvenile court shall not
25 22 order any service which is a charge upon the state pursuant to
25 23 section 232.141 if there are insufficient court-ordered
25 24 services funds available in the district court distribution
25 25 amount to pay for the service. The chief juvenile court
25 26 officer shall encourage use of the funds allocated in this
25 27 subsection such that there are sufficient funds to pay for all
25 28 court-related services during the entire year. The chief
25 29 juvenile court officers shall attempt to anticipate potential
25 30 surpluses and shortfalls in the distribution amounts and shall
25 31 cooperatively request the state court administrator to
25 32 transfer funds between the districts' distribution amounts as
25 33 prudent.

25 34 c. Notwithstanding any provision of law to the contrary, a
25 35 district or juvenile court shall not order a county to pay for
26 1 any service provided to a juvenile pursuant to an order
26 2 entered under chapter 232 which is a charge upon the state
26 3 under section 232.141, subsection 4.

26 4 d. Of the funds allocated in this subsection, not more
26 5 than \$100,000 may be used by the judicial branch for
26 6 administration of the requirements under this subsection and
26 7 for travel associated with court-ordered placements which are
26 8 a charge upon the state pursuant to section 232.141,
26 9 subsection 4.

26 10 11. Notwithstanding 2000 Iowa Acts, chapter 1228, section
26 11 43, the department may operate a subsidized guardianship
26 12 program if the United States department of health and human
26 13 services approves a waiver under Title IV=E of the federal
26 14 Social Security Act or the federal Social Security Act is
26 15 amended to allow Title IV=E funding to be used for subsidized
26 16 guardianship, and the subsidized guardianship program can be
26 17 operated without loss of Title IV=E funds.

26 18 12. Of the funds appropriated in this section, \$1,000,000
26 19 shall be transferred to the Iowa department of public health
26 20 to be used for the child protection center grant program in
26 21 accordance with section 135.118.

26 22 13. Of the funds appropriated in this section, \$148,000
26 23 shall be used for funding of one or more child welfare
26 24 diversion and mediation pilot projects as provided in 2004
26 25 Iowa Acts, chapter 1130, section 1.

26 26 14. If the department receives federal approval to
26 27 implement a waiver under Title IV=E of the federal Social
26 28 Security Act to enable providers to serve children who remain
26 29 in the children's families and communities, for purposes of
26 30 eligibility under the medical assistance program children who
26 31 participate in the waiver shall be considered to be placed in
26 32 foster care.

26 33 15. Funds appropriated in this section may be used to
26 34 provide continued support for youth who are age eighteen and
26 35 graduate from high school or complete a graduation equivalency
27 1 diploma after May 1, 2005, have a self-sufficiency plan, and
27 2 are continuing their education, working, or are in work
27 3 training. The department may amend existing contracts to
27 4 provide the additional services to this population. The
27 5 department may adopt emergency rules to implement the
27 6 provisions of this subsection.

27 7 16. Of the funds appropriated in this section, \$854,012 is
27 8 allocated for a program to assist young adults who leave
27 9 foster care service at age 18 in making the transition to
27 10 self-sufficiency, provided legislation is enacted by the
27 11 Eighty-first General Assembly, 2006 Session, providing for
27 12 implementation of the program.

27 13 17. Of the funds appropriated in this section, \$50,000 is
27 14 allocated for a grant to expand an existing program operated
27 15 by a nonprofit organization providing family treatment and
27 16 community education services in a nine county area.

27 17 Sec. 18. ADOPTION SUBSIDY.

27 18 1. There is appropriated from the general fund of the
27 19 state to the department of human services for the fiscal year
27 20 beginning July 1, 2006, and ending June 30, 2007, the
27 21 following amount, or so much thereof as is necessary, to be
27 22 used for the purpose designated:

27 23 For adoption subsidy payments and services:

27 24 \$ 31,746,063

27 25 2. The department may transfer funds appropriated in this
27 26 section to the appropriations in this Act for child and family
27 27 services to be used for adoptive family recruitment and other
27 28 services to achieve adoption.

27 29 3. Federal funds received by the state during the fiscal
27 30 year beginning July 1, 2006, as the result of the expenditure
27 31 of state funds during a previous state fiscal year for a
27 32 service or activity funded under this section, are
27 33 appropriated to the department to be used as additional
27 34 funding for the services and activities funded under this
27 35 section. Notwithstanding section 8.33, moneys received in
28 1 accordance with this subsection that remain unencumbered or
28 2 unobligated at the close of the fiscal year shall not revert
28 3 to any fund but shall remain available for expenditure for the
28 4 purposes designated until the close of the succeeding fiscal
28 5 year.

28 6 Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited
28 7 in the juvenile detention home fund created in section 232.142
28 8 during the fiscal year beginning July 1, 2006, and ending June
28 9 30, 2007, are appropriated to the department of human services
28 10 for the fiscal year beginning July 1, 2006, and ending June
28 11 30, 2007, for distribution as follows:

28 12 1. An amount equal to 10 percent of the costs of the
28 13 establishment, improvement, operation, and maintenance of
28 14 county or multicounty juvenile detention homes in the fiscal
28 15 year beginning July 1, 2005. Moneys appropriated for
28 16 distribution in accordance with this subsection shall be
28 17 allocated among eligible detention homes, prorated on the
28 18 basis of an eligible detention home's proportion of the costs
28 19 of all eligible detention homes in the fiscal year beginning
28 20 July 1, 2005. Notwithstanding section 232.142, subsection 3,
28 21 the financial aid payable by the state under that provision
28 22 for the fiscal year beginning July 1, 2006, shall be limited
28 23 to the amount appropriated for the purposes of this
28 24 subsection.

28 25 2. For renewal of a grant to a county with a population
28 26 between 189,000 and 196,000 for implementation of the county's
28 27 runaway treatment plan under section 232.195:

28 28 \$ 80,000

28 29 3. For continuation and expansion of the community
28 30 partnership for child protection sites:

28 31 \$ 318,000

28 32 4. For continuation of the department's minority youth and
28 33 family projects under the redesign of the child welfare
28 34 system:

28 35 \$ 375,000

29 1 5. For grants to counties implementing a runaway treatment
29 2 plan under section 232.195.

29 3 6. The remainder for additional allocations to county or
29 4 multicounty juvenile detention homes, in accordance with the
29 5 distribution requirements of subsection 1.

29 6 Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM. There is
29 7 appropriated from the general fund of the state to the
29 8 department of human services for the fiscal year beginning
29 9 July 1, 2006, and ending June 30, 2007, the following amount,
29 10 or so much thereof as is necessary, to be used for the purpose
29 11 designated:

29 12 For the family support subsidy program:

29 13 \$ 1,936,434

29 14 1. The department shall use at least \$333,312 of the
29 15 moneys appropriated in this section to continue the children=
29 16 at-home program in current counties, and if funds are
29 17 available after exhausting the family support subsidy waiting
29 18 list, to expand the program to additional counties. Not more
29 19 than \$20,000 of the amount allocated in this subsection shall
29 20 be used for administrative costs.

29 21 2. Notwithstanding contrary provisions of section 225C.38,
29 22 subsection 1, the monthly family support subsidy payment
29 23 amount for the fiscal year beginning July 1, 2006, shall be
29 24 determined by the department in consultation with the council
29 25 created in section 225C.48, not to exceed the amount in effect
29 26 on June 30, 2006.

29 27 Sec. 21. CONNER DECREE. There is appropriated from the
29 28 general fund of the state to the department of human services
29 29 for the fiscal year beginning July 1, 2006, and ending June
29 30 30, 2007, the following amount, or so much thereof as is
29 31 necessary, to be used for the purpose designated:

29 32 For building community capacity through the coordination
29 33 and provision of training opportunities in accordance with the
29 34 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
29 35 Iowa, July 14, 1994):

30 1 \$ 42,623

30 2 Sec. 22. MENTAL HEALTH INSTITUTES. There is appropriated
30 3 from the general fund of the state to the department of human
30 4 services for the fiscal year beginning July 1, 2006, and

30 5 ending June 30, 2007, the following amounts, or so much
30 6 thereof as is necessary, to be used for the purposes
30 7 designated:

30 8 1. For the state mental health institute at Cherokee for
30 9 salaries, support, maintenance, and miscellaneous purposes and
30 10 for not more than the following full-time equivalent
30 11 positions:

30 12 \$ 4,893,698
30 13 FTEs 215.00

30 14 Of the funds appropriated in this subsection, at least
30 15 \$5,000 is allocated for provision of books associated with the
30 16 education of children placed in facilities operated at the
30 17 state mental health institute at Cherokee.

30 18 2. For the state mental health institute at Clarinda for
30 19 salaries, support, maintenance, and miscellaneous purposes and
30 20 for not more than the following full-time equivalent
30 21 positions:

30 22 \$ 5,979,344
30 23 FTEs 101.15

30 24 3. For the state mental health institute at Independence
30 25 for salaries, support, maintenance, and miscellaneous purposes
30 26 and for not more than the following full-time equivalent
30 27 positions:

30 28 \$ 9,006,899
30 29 FTEs 286.40

30 30 Of the funds appropriated in this subsection, at least
30 31 \$5,000 is allocated for provision of books associated with the
30 32 education of children placed in facilities located at the
30 33 state mental health institute at Independence.

30 34 4. For the state mental health institute at Mount Pleasant
30 35 for salaries, support, maintenance, and miscellaneous purposes
31 1 and for not more than the following full-time equivalent
31 2 positions:

31 3 \$ 746,333
31 4 FTEs 96.84

31 5 Sec. 23. STATE RESOURCE CENTERS. There is appropriated
31 6 from the general fund of the state to the department of human
31 7 services for the fiscal year beginning July 1, 2006, and
31 8 ending June 30, 2007, the following amounts, or so much
31 9 thereof as is necessary, to be used for the purposes
31 10 designated:

31 11 1. For the state resource center at Glenwood for salaries,
31 12 support, maintenance, and miscellaneous purposes:

31 13 \$ 14,506,583

31 14 2. For the state resource center at Woodward for salaries,
31 15 support, maintenance, and miscellaneous purposes:

31 16 \$ 8,590,761

31 17 3. The department may continue to bill for state resource
31 18 center services utilizing a scope of services approach used
31 19 for private providers of ICFMR services, in a manner which
31 20 does not shift costs between the medical assistance program,
31 21 counties, or other sources of funding for the state resource
31 22 centers.

31 23 4. The state resource centers may expand the time limited
31 24 assessment and respite services during the fiscal year.

31 25 5. If the department's administration and the department
31 26 of management concur with a finding by a state resource
31 27 center's superintendent that projected revenues can reasonably
31 28 be expected to pay the salary and support costs for a new
31 29 employee position, or that such costs for adding a particular
31 30 number of new positions for the fiscal year would be less than
31 31 the overtime costs if new positions would not be added, the
31 32 superintendent may add the new position or positions. If the
31 33 vacant positions available to a resource center do not include
31 34 the position classification desired to be filled, the state
31 35 resource center's superintendent may reclassify any vacant
32 1 position as necessary to fill the desired position. The
32 2 superintendents of the state resource centers may, by mutual
32 3 agreement, pool vacant positions and position classifications
32 4 during the course of the fiscal year in order to assist one
32 5 another in filling necessary positions.

32 6 6. If existing capacity limitations are reached in
32 7 operating units, a waiting list is in effect for a service or
32 8 a special need for which a payment source or other funding is
32 9 available for the service or to address the special need, and
32 10 facilities for the service or to address the special need can
32 11 be provided within the available payment source or other
32 12 funding, the superintendent of a state resource center may
32 13 authorize opening not more than two units or other facilities
32 14 and to begin implementing the service or addressing the
32 15 special need during fiscal year 2006=2007.

32 16 Sec. 24. MI/MR/DD STATE CASES.

32 17 1. There is appropriated from the general fund of the
32 18 state to the department of human services for the fiscal year
32 19 beginning July 1, 2006, and ending June 30, 2007, the
32 20 following amount, or so much thereof as is necessary, to be
32 21 used for the purpose designated:

32 22 For purchase of local services for persons with mental
32 23 illness, mental retardation, and developmental disabilities
32 24 where the client has no established county of legal
32 25 settlement:
32 26

32 27 2. For the fiscal year beginning July 1, 2006, and ending
32 28 June 30, 2007, \$200,000 is allocated for state cases from the
32 29 amounts appropriated from the fund created in section 8.41 to
32 30 the department of human services from the funds received from
32 31 the federal government under 42 U.S.C., chapter 6A, subchapter
32 32 XVII, relating to the community mental health center block
32 33 grant, for the federal fiscal years beginning October 1, 2004,
32 34 and ending September 30, 2005, beginning October 1, 2005, and
32 35 ending September 30, 2006, and beginning October 1, 2006, and
33 1 ending September 30, 2007. The allocation made in this
33 2 subsection shall be made prior to any other distribution
33 3 allocation of the appropriated federal funds.

33 4 Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
33 5 COMMUNITY SERVICES FUND. There is appropriated from the
33 6 general fund of the state to the mental health and
33 7 developmental disabilities community services fund created in
33 8 section 225C.7 for the fiscal year beginning July 1, 2006, and
33 9 ending June 30, 2007, the following amount, or so much thereof
33 10 as is necessary, to be used for the purpose designated:

33 11 For mental health and developmental disabilities community
33 12 services in accordance with this division of this Act:
33 13

33 14 1. Of the funds appropriated in this section, \$17,727,890
33 15 shall be allocated to counties for funding of community-based
33 16 mental health and developmental disabilities services. The
33 17 moneys shall be allocated to a county as follows:

33 18 a. Fifty percent based upon the county's proportion of the
33 19 state's population of persons with an annual income which is
33 20 equal to or less than the poverty guideline established by the
33 21 federal office of management and budget.

33 22 b. Fifty percent based upon the county's proportion of the
33 23 state's general population.

33 24 2. a. A county shall utilize the funding the county
33 25 receives pursuant to subsection 1 for services provided to
33 26 persons with a disability, as defined in section 225C.2.
33 27 However, no more than 50 percent of the funding shall be used
33 28 for services provided to any one of the service populations.

33 29 b. A county shall use at least 50 percent of the funding
33 30 the county receives under subsection 1 for contemporary
33 31 services provided to persons with a disability, as described
33 32 in rules adopted by the department.

33 33 3. Of the funds appropriated in this section, \$30,000
33 34 shall be used to support the Iowa compass program providing
33 35 computerized information and referral services for Iowans with
34 1 disabilities and their families.

34 2 4. a. Funding appropriated for purposes of the federal
34 3 social services block grant is allocated for distribution to
34 4 counties for local purchase of services for persons with
34 5 mental illness or mental retardation or other developmental
34 6 disability.

34 7 b. The funds allocated in this subsection shall be
34 8 expended by counties in accordance with the county's approved
34 9 county management plan. A county without an approved county
34 10 management plan shall not receive allocated funds until the
34 11 county's management plan is approved.

34 12 c. The funds provided by this subsection shall be
34 13 allocated to each county as follows:

34 14 (1) Fifty percent based upon the county's proportion of
34 15 the state's population of persons with an annual income which
34 16 is equal to or less than the poverty guideline established by
34 17 the federal office of management and budget.

34 18 (2) Fifty percent based upon the amount provided to the
34 19 county for local purchase of services in the preceding fiscal
34 20 year.

34 21 5. A county is eligible for funds under this section if
34 22 the county qualifies for a state payment as described in
34 23 section 331.439.

34 24 Sec. 26. SEXUALLY VIOLENT PREDATORS.

34 25 1. There is appropriated from the general fund of the
34 26 state to the department of human services for the fiscal year

34 27 beginning July 1, 2006, and ending June 30, 2007, the
34 28 following amount, or so much thereof as is necessary, to be
34 29 used for the purpose designated:
34 30 For costs associated with the commitment and treatment of
34 31 sexually violent predators in the unit located at the state
34 32 mental health institute at Cherokee, including costs of legal
34 33 services and other associated costs, including salaries,
34 34 support, maintenance, miscellaneous purposes, and for not more
34 35 than the following full-time equivalent positions:

35 1 \$ 4,750,704
35 2 FTEs 73.66

35 3 2. Unless specifically prohibited by law, if the amount
35 4 charged provides for recoupment of at least the entire amount
35 5 of direct and indirect costs, the department of human services
35 6 may contract with other states to provide care and treatment
35 7 of persons placed by the other states at the unit for sexually
35 8 violent predators at Cherokee. The moneys received under such
35 9 a contract shall be considered to be repayment receipts and
35 10 used for the purposes of the appropriation made in this
35 11 section.

35 12 Sec. 27. FIELD OPERATIONS. There is appropriated from the
35 13 general fund of the state to the department of human services
35 14 for the fiscal year beginning July 1, 2006, and ending June
35 15 30, 2007, the following amount, or so much thereof as is
35 16 necessary, to be used for the purposes designated:

35 17 For field operations, including salaries, support,
35 18 maintenance, and miscellaneous purposes and for not more than
35 19 the following full-time equivalent positions:

35 20 \$ 57,044,250
35 21 FTEs 1,885.87

35 22 Priority in filling full-time equivalent positions shall be
35 23 given to those positions related to child protection services.

35 24 Sec. 28. GENERAL ADMINISTRATION. There is appropriated
35 25 from the general fund of the state to the department of human
35 26 services for the fiscal year beginning July 1, 2006, and
35 27 ending June 30, 2007, the following amount, or so much thereof
35 28 as is necessary, to be used for the purpose designated:

35 29 For general administration, including salaries, support,
35 30 maintenance, and miscellaneous purposes and for not more than
35 31 the following full-time equivalent positions:

35 32 \$ 14,028,679
35 33 FTEs 309.00

35 34 1. Of the funds appropriated in this section, \$57,000 is
35 35 allocated for the prevention of disabilities policy council
36 1 established in section 225B.3.

36 2 2. Of the funds appropriated in this section, \$30,000 is
36 3 allocated to the department of human services for a statewide
36 4 coordinator for the program of all-inclusive care for the
36 5 elderly as defined in section 249H.3. The coordinator shall
36 6 work in collaboration with the department of elder affairs in
36 7 carrying out the coordinator's duties.

36 8 Sec. 29. VOLUNTEERS. There is appropriated from the
36 9 general fund of the state to the department of human services
36 10 for the fiscal year beginning July 1, 2006, and ending June
36 11 30, 2007, the following amount, or so much thereof as is
36 12 necessary, to be used for the purpose designated:

36 13 For development and coordination of volunteer services:
36 14 \$ 109,568

36 15 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
36 16 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
36 17 DEPARTMENT OF HUMAN SERVICES.

36 18 1. a. (1) For the fiscal year beginning July 1, 2006,
36 19 nursing facilities shall be reimbursed at 100 percent of the
36 20 modified price-based case-mix reimbursement rate. Nursing
36 21 facilities reimbursed under the medical assistance program
36 22 shall submit annual cost reports and additional documentation
36 23 as required by rules adopted by the department.

36 24 (2) For the fiscal year beginning July 1, 2006, the total
36 25 state funding amount for the nursing facility budget shall not
36 26 exceed \$172,834,000. The department, in cooperation with
36 27 nursing facility representatives, shall review projections for
36 28 state funding expenditures for reimbursement of nursing
36 29 facilities on a quarterly basis and the department shall
36 30 determine if an adjustment to the medical assistance
36 31 reimbursement rate is necessary in order to provide
36 32 reimbursement within the state funding amount. Any temporary
36 33 enhanced federal financial participation that may become
36 34 available to the Iowa medical assistance program during the
36 35 fiscal year shall not be used in projecting the nursing
37 1 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
37 2 section 4, subsection 2, paragraph "c", and subsection 3,

37 3 paragraph "a", subparagraph (2), if the state funding
37 4 expenditures for the nursing facility budget for the fiscal
37 5 year beginning July 1, 2006, are projected to exceed the
37 6 amount specified in this subparagraph, the department shall
37 7 adjust the inflation factor of the reimbursement rate
37 8 calculation for only the nursing facilities reimbursed under
37 9 the case-mix reimbursement system to maintain expenditures of
37 10 the nursing facility budget within the specified amount.

37 11 (3) For the fiscal year beginning July 1, 2006, the
37 12 patient-day-weighted medians used in rate setting for nursing
37 13 facilities shall be recalculated and the rates adjusted to
37 14 provide an increase in nursing facility rates not to exceed
37 15 \$157,352,067.

37 16 b. For the fiscal year beginning July 1, 2006, the
37 17 department shall reimburse pharmacy dispensing fees using a
37 18 single rate of \$4.52 per prescription, or the pharmacy's usual
37 19 and customary fee, whichever is lower.

37 20 c. For the fiscal year beginning July 1, 2006,
37 21 reimbursement rates for inpatient and outpatient hospital
37 22 services shall be increased by 3 percent over the rates in
37 23 effect on June 30, 2006. The department shall continue the
37 24 outpatient hospital reimbursement system based upon ambulatory
37 25 patient groups implemented pursuant to 1994 Iowa Acts, chapter
37 26 1186, section 25, subsection 1, paragraph "f". In addition,
37 27 the department shall continue the revised medical assistance
37 28 payment policy implemented pursuant to that paragraph to
37 29 provide reimbursement for costs of screening and treatment
37 30 provided in the hospital emergency room if made pursuant to
37 31 the prospective payment methodology developed by the
37 32 department for the payment of outpatient services provided
37 33 under the medical assistance program. Any rebasing of
37 34 hospital inpatient or outpatient rates shall not increase
37 35 total payments for inpatient and outpatient services beyond
38 1 the percentage increase provided in this paragraph.

38 2 d. For the fiscal year beginning July 1, 2006,
38 3 reimbursement rates for rural health clinics, hospices,
38 4 independent laboratories, and acute mental hospitals shall be
38 5 increased in accordance with increases under the federal
38 6 Medicare program or as supported by their Medicare audited
38 7 costs.

38 8 e. (1) For the fiscal year beginning July 1, 2006,
38 9 reimbursement rates for home health agencies shall be
38 10 increased by 3 percent over the rates in effect on June 30,
38 11 2006, not to exceed a home health agency's actual allowable
38 12 cost.

38 13 (2) The department shall establish a fixed-fee
38 14 reimbursement schedule for home health agencies under the
38 15 medical assistance program beginning July 1, 2006.

38 16 f. For the fiscal year beginning July 1, 2006, federally
38 17 qualified health centers shall receive cost-based
38 18 reimbursement for 100 percent of the reasonable costs for the
38 19 provision of services to recipients of medical assistance.

38 20 g. Beginning July 1, 2006, the reimbursement rates for
38 21 dental services shall be increased by 3 percent over the rates
38 22 in effect on June 30, 2006.

38 23 h. Beginning July 1, 2006, the reimbursement rates for
38 24 community mental health centers shall be increased by 3
38 25 percent over the rates in effect on June 30, 2006.

38 26 i. For the fiscal year beginning July 1, 2006, the maximum
38 27 reimbursement rate for psychiatric medical institutions for
38 28 children shall be \$160.71 per day.

38 29 j. For the fiscal year beginning July 1, 2006, unless
38 30 otherwise specified in this Act, all noninstitutional medical
38 31 assistance provider reimbursement rates shall be increased by
38 32 3 percent over the rates in effect on June 30, 2006, except
38 33 for area education agencies, local education agencies, infant
38 34 and toddler services providers, and those providers whose
38 35 rates are required to be determined pursuant to section
39 1 249A.20.

39 2 k. Notwithstanding section 249A.20, for the fiscal year
39 3 beginning July 1, 2006, the average reimbursement rate for
39 4 health care providers eligible for use of the federal Medicare
39 5 resource-based relative value scale reimbursement methodology
39 6 under that section shall be increased by 3 percent over the
39 7 rate in effect on June 30, 2006; however, this rate shall not
39 8 exceed the maximum level authorized by the federal government.

39 9 l. Beginning July 1, 2006, the department shall increase
39 10 the personal needs allowance under the medical assistance
39 11 program which may be retained by a resident of a nursing
39 12 facility to fifty dollars.

39 13 2. For the fiscal year beginning July 1, 2006, the

39 14 reimbursement rate for residential care facilities shall not
39 15 be less than the minimum payment level as established by the
39 16 federal government to meet the federally mandated maintenance
39 17 of effort requirement. The flat reimbursement rate for
39 18 facilities electing not to file semiannual cost reports shall
39 19 not be less than the minimum payment level as established by
39 20 the federal government to meet the federally mandated
39 21 maintenance of effort requirement.

39 22 3. For the fiscal year beginning July 1, 2006, the
39 23 reimbursement rate for providers reimbursed under the in=
39 24 home-related care program shall not be less than the minimum
39 25 payment level as established by the federal government to meet
39 26 the federally mandated maintenance of effort requirement.

39 27 4. Unless otherwise directed in this section, when the
39 28 department's reimbursement methodology for any provider
39 29 reimbursed in accordance with this section includes an
39 30 inflation factor, this factor shall not exceed the amount by
39 31 which the consumer price index for all urban consumers
39 32 increased during the calendar year ending December 31, 2002.

39 33 5. For the fiscal year beginning July 1, 2006, the foster
39 34 family basic daily maintenance rate paid in accordance with
39 35 section 234.38 and the maximum adoption subsidy rate for
40 1 children ages 0 through 5 years shall be \$15.31, the rate for
40 2 children ages 6 through 11 years shall be \$15.99, the rate for
40 3 children ages 12 through 15 years shall be \$17.57, and the
40 4 rate for children ages 16 and older shall be \$17.73.

40 5 6. For the fiscal year beginning July 1, 2006, the maximum
40 6 reimbursement rates for social service providers shall be
40 7 increased by 3 percent over the rates in effect on June 30,
40 8 2006, or to the provider's actual and allowable cost plus
40 9 inflation for each service, whichever is less. The rates may
40 10 also be adjusted under any of the following circumstances:

40 11 a. If a new service was added after June 30, 2006, the
40 12 initial reimbursement rate for the service shall be based upon
40 13 actual and allowable costs.

40 14 b. If a social service provider loses a source of income
40 15 used to determine the reimbursement rate for the provider, the
40 16 provider's reimbursement rate may be adjusted to reflect the
40 17 loss of income, provided that the lost income was used to
40 18 support actual and allowable costs of a service purchased
40 19 under a purchase of service contract.

40 20 7. The group foster care reimbursement rates paid for
40 21 placement of children out of state shall be calculated
40 22 according to the same rate-setting principles as those used
40 23 for in-state providers unless the director of human services
40 24 or the director's designee determines that appropriate care
40 25 cannot be provided within the state. The payment of the daily
40 26 rate shall be based on the number of days in the calendar
40 27 month in which service is provided.

40 28 8. For the fiscal year beginning July 1, 2006, the
40 29 reimbursement rates for rehabilitative treatment and support
40 30 services providers shall be increased by 3 percent over the
40 31 rates in effect on June 30, 2006.

40 32 9. a. For the fiscal year beginning July 1, 2006, the
40 33 combined service and maintenance components of the
40 34 reimbursement rate paid for shelter care services purchased
40 35 under a contract shall be based on the financial and
41 1 statistical report submitted to the department. The maximum
41 2 reimbursement rate shall be \$88.79 per day. The department
41 3 shall reimburse a shelter care provider at the provider's
41 4 actual and allowable unit cost, plus inflation, not to exceed
41 5 the maximum reimbursement rate.

41 6 b. Notwithstanding section 232.141, subsection 8, for the
41 7 fiscal year beginning July 1, 2006, the amount of the
41 8 statewide average of the actual and allowable rates for
41 9 reimbursement of juvenile shelter care homes that is utilized
41 10 for the limitation on recovery of unpaid costs shall be
41 11 increased by \$2.59 over the amount in effect for this purpose
41 12 in the preceding fiscal year.

41 13 10. For the fiscal year beginning July 1, 2006, the
41 14 department shall calculate reimbursement rates for
41 15 intermediate care facilities for persons with mental
41 16 retardation at the 80th percentile.

41 17 11. For the fiscal year beginning July 1, 2006, for child
41 18 care providers reimbursed under the state child care
41 19 assistance program, the department shall set provider
41 20 reimbursement rates based on the rate reimbursement survey
41 21 completed in December 2004. The department shall set rates in
41 22 a manner so as to provide incentives for a nonregistered
41 23 provider to become registered. If the federal government
41 24 provides additional funding for child care during the fiscal

41 25 year beginning July 1, 2006, the additional funding shall be
41 26 used to develop and implement an electronic billing and
41 27 payment system for child care providers.

41 28 12. For the fiscal year beginning July 1, 2006,
41 29 reimbursements for providers reimbursed by the department of
41 30 human services may be modified if appropriated funding is
41 31 allocated for that purpose from the senior living trust fund
41 32 created in section 249H.4, or as specified in appropriations
41 33 from the healthy Iowans tobacco trust created in section
41 34 12.65.

41 35 13. The department shall apply the three percent
42 1 reimbursement rate increase prescribed for specified providers
42 2 for the fiscal year beginning July 1, 2005, pursuant to 2005
42 3 Iowa Acts, chapter 175, separately from the three percent
42 4 reimbursement rate increase prescribed for specified providers
42 5 for the fiscal year beginning July 1, 2006, under this Act.

42 6 14. The department may adopt emergency rules to implement
42 7 this section.

42 8 Sec. 31. EMERGENCY RULES. If specifically authorized by a
42 9 provision of this division of this Act, the department of
42 10 human services or the mental health, mental retardation,
42 11 developmental disabilities, and brain injury commission may
42 12 adopt administrative rules under section 17A.4, subsection 2,
42 13 and section 17A.5, subsection 2, paragraph "b", to implement
42 14 the provisions and the rules shall become effective
42 15 immediately upon filing or on a later effective date specified
42 16 in the rules, unless the effective date is delayed by the
42 17 administrative rules review committee. Any rules adopted in
42 18 accordance with this section shall not take effect before the
42 19 rules are reviewed by the administrative rules review
42 20 committee. The delay authority provided to the administrative
42 21 rules review committee under section 17A.4, subsection 5, and
42 22 section 17A.8, subsection 9, shall be applicable to a delay
42 23 imposed under this section, notwithstanding a provision in
42 24 those sections making them inapplicable to section 17A.5,
42 25 subsection 2, paragraph "b". Any rules adopted in accordance
42 26 with the provisions of this section shall also be published as
42 27 notice of intended action as provided in section 17A.4.

42 28 Sec. 32. REPORTS. Any reports or information required to
42 29 be compiled and submitted under this division of this Act
42 30 shall be submitted to the chairpersons and ranking members of
42 31 the joint appropriations subcommittee on health and human
42 32 services, the legislative services agency, and the legislative
42 33 caucus staffs on or before the dates specified for submission
42 34 of the reports or information.

42 35 Sec. 33. 2005 Iowa Acts, chapter 175, section 2,
43 1 subsection 4, unnumbered paragraph 2, is amended to read as
43 2 follows:

43 3 Of the funds appropriated in this subsection, not more than
43 4 \$100,000 shall be used to leverage federal funding through the
43 5 federal Ryan White Care Act, Title II, AIDS drug assistance
43 6 program supplemental drug treatment grants. Notwithstanding
43 7 section 8.33, moneys allocated in this subparagraph that
43 8 remain unencumbered or unobligated at the close of the fiscal
43 9 year shall not revert but shall remain available for
43 10 expenditure for the purposes designated until the close of the
43 11 succeeding fiscal year.

43 12 Sec. 34. 2005 Iowa Acts, chapter 175, section 2,
43 13 subsection 12, is amended by adding the following new
43 14 unnumbered paragraph:

43 15 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
43 16 moneys appropriated in this subsection that remain
43 17 unencumbered or unobligated at the close of the fiscal year
43 18 shall not revert but shall remain available for expenditure
43 19 for the purposes designated until the close of the succeeding
43 20 fiscal year.

43 21 Sec. 35. 2005 Iowa Acts, chapter 175, section 3, is
43 22 amended by adding the following new unnumbered paragraph:

43 23 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
43 24 moneys appropriated in this section that remain unencumbered
43 25 or unobligated at the close of the fiscal year shall not
43 26 revert but shall remain available for expenditure for the
43 27 purposes designated until the close of the succeeding fiscal
43 28 year.

43 29 Sec. 36. 2005 Iowa Acts, chapter 175, section 4,
43 30 subsection 2, is amended by adding the following new
43 31 unnumbered paragraph:

43 32 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and
43 33 section 35D.18, subsection 5, moneys appropriated in this
43 34 subsection that remain unencumbered or unobligated at the
43 35 close of the fiscal year shall not revert but shall remain

44 1 available for expenditure in succeeding fiscal years. Of the
44 2 amount remaining available for expenditure under this
44 3 paragraph, the first \$1,000,000 shall be used for Iowa
44 4 veterans home operations in the immediately succeeding fiscal
44 5 year and the remainder for renovations and capital
44 6 improvements at the Iowa veterans home in succeeding fiscal
44 7 years.

44 8 Sec. 37. 2005 Iowa Acts, chapter 175, section 12, is
44 9 amended by adding the following new subsection:

44 10 NEW SUBSECTION. 4. Notwithstanding section 8.33,
44 11 \$1,100,000 of the moneys appropriated in this section that
44 12 remain unencumbered or unobligated at the close of the fiscal
44 13 year shall not revert but shall remain available for
44 14 expenditure for the purposes designated until the close of the
44 15 succeeding fiscal year.

44 16 Sec. 38. 2005 Iowa Acts, chapter 175, section 14,
44 17 subsection 2, is amended to read as follows:

44 18 2. Of the funds appropriated in this section, \$900,000
44 19 shall be used for implementation of a quality rating system
44 20 for child care providers, in accordance with legislation
44 21 enacted to authorize implementation of the rating system.
44 22 Notwithstanding section 8.33, \$125,000 of the moneys allocated
44 23 in this subsection that remain unencumbered or unobligated at
44 24 the close of the fiscal year shall not revert but shall remain
44 25 available for expenditure for the purposes designated until
44 26 the close of the succeeding fiscal year.

44 27 Sec. 39. 2005 Iowa Acts, chapter 175, section 16, is
44 28 amended by adding the following new subsection:

44 29 NEW SUBSECTION. 18. Notwithstanding section 8.33,
44 30 \$1,000,000 of the moneys appropriated in this section that
44 31 remain unencumbered or unobligated at the close of the fiscal
44 32 year shall not revert but shall remain available for
44 33 expenditure for the purposes designated until the close of the
44 34 succeeding fiscal year.

44 35 Sec. 40. 2005 Iowa Acts, chapter 175, section 17, is
45 1 amended by adding the following new subsection:

45 2 NEW SUBSECTION. 4. Notwithstanding section 8.33,
45 3 \$1,700,000 of the moneys appropriated in this section that
45 4 remain unencumbered or unobligated at the close of the fiscal
45 5 year shall not revert but shall remain available for
45 6 expenditure for the purposes designated until the close of the
45 7 succeeding fiscal year.

45 8 Sec. 41. 2005 Iowa Acts, chapter 175, section 21,
45 9 subsection 3, is amended by adding the following new
45 10 unnumbered paragraph:

45 11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
45 12 revenues that are directly attributable to the psychiatric
45 13 medical institution for children beds operated by the state at
45 14 the state mental health institute at Independence in
45 15 accordance with section 226.9B, that are received as repayment
45 16 receipts and are attributed to the fiscal year beginning July
45 17 1, 2005, shall not revert but shall remain available for
45 18 expenditure for the purposes designated until the close of the
45 19 succeeding fiscal year.

45 20 Sec. 42. 2005 Iowa Acts, chapter 175, section 29,
45 21 subsection 1, paragraph a, subparagraph (2), is amended to
45 22 read as follows:

45 23 (2) For the fiscal year beginning July 1, 2005, the total
45 24 state funding amount for the nursing facility budget shall not
45 25 exceed ~~\$161,600,000~~ \$167,800,000. The department, in
45 26 cooperation with nursing facility representatives, shall
45 27 review projections for state funding expenditures for
45 28 reimbursement of nursing facilities on a quarterly basis and
45 29 the department shall determine if an adjustment to the medical
45 30 assistance reimbursement rate is necessary in order to provide
45 31 reimbursement within the state funding amount. Any temporary
45 32 enhanced federal financial participation that may become
45 33 available to the Iowa medical assistance program during the
45 34 fiscal year shall not be used in projecting the nursing
45 35 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
46 1 section 4, subsection 2, paragraph "c", and subsection 3,
46 2 paragraph "a", subparagraph (2), if the state funding
46 3 expenditures for the nursing facility budget for the fiscal
46 4 year beginning July 1, 2005, are projected to exceed the
46 5 amount specified in this subparagraph, the department shall
46 6 adjust the inflation factor of the reimbursement rate
46 7 calculation for only the nursing facilities reimbursed under
46 8 the case-mix reimbursement system to maintain expenditures of
46 9 the nursing facility budget within the specified amount.

46 10 Sec. 43. EFFECTIVE DATES. The following provisions of
46 11 this division of this Act, being deemed of immediate

46 12 importance, take effect upon enactment:
 46 13 1. The provision under the appropriation for child and
 46 14 family services, relating to requirements of sections 232.143
 46 15 for representatives of the department of human services and
 46 16 juvenile court services to establish a plan for continuing
 46 17 group foster care expenditures for the 2006=2007 fiscal year.
 46 18 2. The provision amending 2005 Iowa Acts, chapter 175,
 46 19 section 2, subsection 4.
 46 20 3. The provision amending 2005 Iowa Acts, chapter 175,
 46 21 section 2, subsection 12.
 46 22 4. The provision amending 2005 Iowa Acts, chapter 175,
 46 23 section 3.
 46 24 5. The provision amending 2005 Iowa Acts, chapter 175,
 46 25 section 4.
 46 26 6. The provision amending 2005 Iowa Acts, chapter 175,
 46 27 section 12.
 46 28 7. The provision amending 2005 Iowa Acts, chapter 175,
 46 29 section 14, subsection 2.
 46 30 8. The provision amending 2005 Iowa Acts, chapter 175,
 46 31 section 16.
 46 32 9. The provision amending 2005 Iowa Acts, chapter 175,
 46 33 section 17.
 46 34 10. The provision amending 2005 Iowa Acts, chapter 175,
 46 35 section 21, subsection 3.
 47 1 11. The provision amending 2005 Iowa Acts, chapter 175,
 47 2 section 29, subsection 1, paragraph "a", subparagraph (2).

47 3 DIVISION II

47 4 SENIOR LIVING TRUST FUND,
 47 5 PHARMACEUTICAL SETTLEMENT ACCOUNT,
 47 6 IOWACARE ACCOUNT, AND HEALTH CARE
 47 7 TRANSFORMATION ACCOUNT

47 8 Sec. 44. DEPARTMENT OF ELDER AFFAIRS. There is
 47 9 appropriated from the senior living trust fund created in
 47 10 section 249H.4 to the department of elder affairs for the
 47 11 fiscal year beginning July 1, 2006, and ending June 30, 2007,
 47 12 the following amount, or so much thereof as is necessary, to
 47 13 be used for the purpose designated:

47 14 For the development and implementation of a comprehensive
 47 15 senior living program, including program administration and
 47 16 costs associated with implementation, salaries, support,
 47 17 maintenance, and miscellaneous purposes and for not more than
 47 18 the following full-time equivalent positions:

47 19	\$ 8,296,730
47 20	FTEs 3.00

47 21 1. Of the funds appropriated in this section, \$2,196,967
 47 22 shall be used for case management for the frail elderly. Of
 47 23 the funds allocated in this subsection, \$1,010,000 shall be
 47 24 transferred to the department of human services in equal
 47 25 amounts on a quarterly basis for reimbursement of case
 47 26 management services provided under the medical assistance
 47 27 elderly waiver. The monthly cost per client for case
 47 28 management for the frail elderly services provided shall not
 47 29 exceed \$70. It is the intent of the general assembly that the
 47 30 additional funding provided for case management for the frail
 47 31 elderly for the fiscal year beginning July 1, 2006, and ending
 47 32 June 30, 2007, shall be used to provide case management
 47 33 services for an additional 1,650 individuals.

47 34 2. Notwithstanding section 249H.7, the department of elder
 47 35 affairs shall distribute up to \$400,000 of the funds
 48 1 appropriated in this section in a manner that will supplement
 48 2 and maximize federal funds under the federal Older Americans
 48 3 Act and shall not use the amount distributed for any
 48 4 administrative purposes of either the department of elder
 48 5 affairs or the area agencies on aging.

48 6 Sec. 45. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 48 7 appropriated from the senior living trust fund created in
 48 8 section 249H.4 to the department of inspections and appeals
 48 9 for the fiscal year beginning July 1, 2006, and ending June
 48 10 30, 2007, the following amount, or so much thereof as is
 48 11 necessary, to be used for the purpose designated:

48 12 For the inspection and certification of assisted living
 48 13 facilities and adult day care services, including program
 48 14 administration and costs associated with implementation,
 48 15 salaries, support, maintenance, and miscellaneous purposes and
 48 16 for not more than the following full-time equivalent
 48 17 positions:

48 18	\$ 758,474
48 19	FTEs 5.00

48 20 Sec. 46. DEPARTMENT OF HUMAN SERVICES. There is
 48 21 appropriated from the senior living trust fund created in
 48 22 section 249H.4 to the department of human services for the

48 23 fiscal year beginning July 1, 2006, and ending June 30, 2007,
48 24 the following amounts, or so much thereof as is necessary, to
48 25 be used for the purpose designated:

48 26 1. To supplement the medical assistance appropriation,
48 27 including program administration and costs associated with
48 28 implementation, salaries, support, maintenance, and
48 29 miscellaneous purposes and for not more than the following
48 30 fulltime equivalent positions:
48 31 \$ 40,000,000
48 32 FTEs 5.00

48 33 2. Notwithstanding sections 249H.4 and 249H.5, the
48 34 department of human services may use moneys from the senior
48 35 living trust fund for cash flow purposes to make payments
49 1 under the nursing facility or hospital upper payment limit
49 2 methodology. The amount of any moneys so used shall be
49 3 refunded to the senior living trust fund within the same
49 4 fiscal year and in a prompt manner.

49 5 In order to carry out the purposes of this section, the
49 6 department may transfer funds appropriated in this section to
49 7 supplement other appropriations made to the department of
49 8 human services.

49 9 Sec. 47. IOWA FINANCE AUTHORITY. There is appropriated
49 10 from the senior living trust fund created in section 249H.4 to
49 11 the Iowa finance authority for the fiscal year beginning July
49 12 1, 2006, and ending June 30, 2007, the following amount, or so
49 13 much thereof as is necessary, to be used for the purposes
49 14 designated:

49 15 To provide reimbursement for rent expenses to eligible
49 16 persons:

49 17 \$ 700,000

49 18 Participation in the rent subsidy program shall be limited
49 19 to only those persons who meet the nursing facility level of
49 20 care for home and community-based services waiver services as
49 21 established on or after July 1, 2006.

49 22 Sec. 48. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
49 23 appropriated from the pharmaceutical settlement account
49 24 created in section 249A.33 to the department of human services
49 25 for the fiscal year beginning July 1, 2006, and ending June
49 26 30, 2007, the following amount, or so much thereof as is
49 27 necessary, to be used for the purpose designated:

49 28 To supplement the appropriations made for medical contracts
49 29 under the medical assistance program:

49 30 \$ 379,000

49 31 Sec. 49. APPROPRIATIONS FROM IOWACARE ACCOUNT.

49 32 1. There is appropriated from the IowaCare account created
49 33 in section 249J.24 to the state board of regents for
49 34 distribution to the university of Iowa hospitals and clinics
49 35 for the fiscal year beginning July 1, 2006, and ending June
50 1 30, 2007, the following amount, or so much thereof as is
50 2 necessary, to be used for the purposes designated:

50 3 For salaries, support, maintenance, equipment, and
50 4 miscellaneous purposes, for the provision of medical and
50 5 surgical treatment of indigent patients, for provision of
50 6 services to members of the expansion population pursuant to
50 7 chapter 249J, and for medical education:

50 8 \$ 27,284,584

50 9 a. The university of Iowa hospitals and clinics shall,
50 10 when medically appropriate, make reasonable efforts to extend
50 11 the university of Iowa hospitals and clinics' use of home
50 12 telemedicine and other technologies to reduce the frequency of
50 13 visits to the hospital required by indigent patients.

50 14 b. The university of Iowa hospitals and clinics shall
50 15 submit quarterly a report regarding the portion of the
50 16 appropriation in this subsection expended on medical
50 17 education. The report shall be submitted in a format jointly
50 18 developed by the university of Iowa hospitals and clinics, the
50 19 legislative services agency, and the department of management,
50 20 and shall delineate the expenditures and purposes of the
50 21 funds.

50 22 c. Funds appropriated in this subsection shall not be used
50 23 to perform abortions except medically necessary abortions, and
50 24 shall not be used to operate the early termination of
50 25 pregnancy clinic except for the performance of medically
50 26 necessary abortions. For the purpose of this subsection, an
50 27 abortion is the purposeful interruption of pregnancy with the
50 28 intention other than to produce a live-born infant or to
50 29 remove a dead fetus, and a medically necessary abortion is one
50 30 performed under one of the following conditions:

50 31 (1) The attending physician certifies that continuing the
50 32 pregnancy would endanger the life of the pregnant woman.

50 33 (2) The attending physician certifies that the fetus is

50 34 physically deformed, mentally deficient, or afflicted with a
50 35 congenital illness.

51 1 (3) The pregnancy is the result of a rape which is
51 2 reported within 45 days of the incident to a law enforcement
51 3 agency or public or private health agency which may include a
51 4 family physician.

51 5 (4) The pregnancy is the result of incest which is
51 6 reported within 150 days of the incident to a law enforcement
51 7 agency or public or private health agency which may include a
51 8 family physician.

51 9 (5) The abortion is a spontaneous abortion, commonly known
51 10 as a miscarriage, wherein not all of the products of
51 11 conception are expelled.

51 12 2. There is appropriated from the IowaCare account created
51 13 in section 249J.24 to the department of human services for
51 14 distribution to a publicly owned acute care teaching hospital
51 15 located in a county with a population over three hundred fifty
51 16 thousand for the fiscal year beginning July 1, 2006, and
51 17 ending June 30, 2007, the following amount, or so much thereof
51 18 as is necessary, to be used for the purposes designated:

51 19 For the provision of medical and surgical treatment of
51 20 indigent patients, for provision of services to members of the
51 21 expansion population pursuant to chapter 249J, and for medical
51 22 education:

51 23 \$ 37,000,000

51 24 3. There is appropriated from the IowaCare account created
51 25 in section 249J.24 to the department of human services for the
51 26 state hospitals for persons with mental illness designated in
51 27 section 226.1 for the fiscal year beginning July 1, 2006, and
51 28 ending June 30, 2007, the following amounts, or so much
51 29 thereof as is necessary, to be used for the purposes
51 30 designated:

51 31 a. For the state mental health institute at Cherokee, for
51 32 salaries, support, maintenance, and miscellaneous purposes,
51 33 including services to members of the expansion population
51 34 pursuant to chapter 249J:

51 35 \$ 9,098,425

52 1 b. For the state mental health institute at Clarinda, for
52 2 salaries, support, maintenance, and miscellaneous purposes,
52 3 including services to members of the expansion population
52 4 pursuant to chapter 249J:

52 5 \$ 1,977,305

52 6 c. For the state mental health institute at Independence,
52 7 for salaries, support, maintenance, and miscellaneous
52 8 purposes, including services to members of the expansion
52 9 population pursuant to chapter 249J:

52 10 \$ 9,045,894

52 11 d. For the state mental health institute at Mount
52 12 Pleasant, for salaries, support, maintenance, and
52 13 miscellaneous purposes, including services to members of the
52 14 expansion population designation pursuant to chapter 249J:

52 15 \$ 5,752,587

52 16 Sec. 50. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
52 17 TRANSFORMATION. There is appropriated from the account for
52 18 health care transformation created in section 249J.23, to the
52 19 department of human services, for the fiscal year beginning
52 20 July 1, 2006, and ending June 30, 2007, the following amounts,
52 21 or so much thereof as is necessary, to be used for the
52 22 purposes designated:

52 23 1. For the costs of medical examinations and development
52 24 of personal health improvement plans for the expansion
52 25 population pursuant to section 249J.6:

52 26 \$ 556,800

52 27 2. For the provision of a medical information hotline for
52 28 the expansion population as provided in section 249J.6:

52 29 \$ 150,000

52 30 3. For the insurance cost subsidy program pursuant to
52 31 section 249J.8:

52 32 \$ 1,500,000

52 33 4. For the health care account program option pursuant to
52 34 section 249J.8:

52 35 \$ 400,000

53 1 5. For the use of electronic medical records by medical
53 2 assistance program and expansion population provider network
53 3 providers pursuant to section 249J.14:

53 4 \$ 2,000,000

53 5 6. For other health partnership activities pursuant to
53 6 section 249J.14:

53 7 \$ 550,000

53 8 7. For the costs related to audits, performance
53 9 evaluations, and studies required pursuant to chapter 249J:

53 10 \$ 100,000
53 11 8. For administrative costs associated with chapter 249J:
53 12 \$ 344,852
53 13 9. For development of a case-mix acuity-based
53 14 reimbursement system for intermediate care facilities for
53 15 persons with mental retardation:
53 16 \$ 150,000
53 17 10. For development of a provider incentive payment
53 18 program to reward performance and quality of service:
53 19 \$ 50,000
53 20 Sec. 51. TRANSFER FROM ACCOUNT FOR HEALTH CARE
53 21 TRANSFORMATION. There is transferred from the account for
53 22 health care transformation created pursuant to section
53 23 249J.23, to the IowaCare account created in section 249J.24, a
53 24 total of \$3,000,000 for the fiscal year beginning July 1,
53 25 2006, and ending June 30, 2007.
53 26 Sec. 52. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
53 27 LIVING TRUST FUND FOR FY 2006=2007. Notwithstanding section
53 28 8.33, if moneys appropriated for purposes of the medical
53 29 assistance program for the fiscal year beginning July 1, 2006,
53 30 and ending June 30, 2007, from the general fund of the state,
53 31 the senior living trust fund, and the healthy Iowans tobacco
53 32 trust fund are in excess of actual expenditures for the
53 33 medical assistance program and remain unencumbered or
53 34 unobligated at the close of the fiscal year, the excess moneys
53 35 shall not revert but shall be transferred to the senior living
54 1 trust fund created in section 249H.4. Unless otherwise
54 2 provided in this Act, moneys appropriated for purposes of the
54 3 medical assistance program for the fiscal year beginning July
54 4 1, 2006, and ending June 30, 2007, are not subject to transfer
54 5 under section 8.39 or other provision of law except as
54 6 authorized in this section.
54 7 Sec. 53. Section 249H.11, Code 2005, is amended to read as
54 8 follows:
54 9 249H.11 ~~FUTURE REPEAL GRANTS == NONREVERSION.~~
54 10 1. ~~Section 249H.6 is repealed on June 30, 2005. However,~~
54 11 ~~Nursing facility conversion and long-term care services~~
54 12 ~~development grants awarded and moneys appropriated for grants~~
54 13 ~~on or before June 30, 2005, shall be disbursed to eligible~~
54 14 ~~applicants after that date if necessary.~~
54 15 2. ~~Notwithstanding section 8.33, moneys committed from the~~
54 16 ~~senior living trust fund to grantees under contract to provide~~
54 17 ~~for conversion to assisted living programs or for development~~
54 18 ~~of long-term care alternatives that remain unexpended at the~~
54 19 ~~close of any fiscal year shall not revert to any fund but~~
54 20 ~~shall remain available for expenditure for the purposes of the~~
54 21 ~~contract.~~
54 22 Sec. 54. 2005 Iowa Acts, chapter 175, section 48, is
54 23 amended to read as follows:
54 24 SEC. 48. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
54 25 LIVING TRUST FUND FOR FY 2005=2006. Notwithstanding section
54 26 8.33, if moneys appropriated ~~in this Act~~ for purposes of the
54 27 medical assistance program for the fiscal year beginning July
54 28 1, 2005, and ending June 30, 2006, from the general fund of
54 29 the state, the senior living trust fund, the hospital trust
54 30 fund, or the healthy Iowans tobacco trust fund are in excess
54 31 of actual expenditures for the medical assistance program and
54 32 remain unencumbered or unobligated at the close of the fiscal
54 33 year, the excess moneys shall not revert but shall be
54 34 transferred to the senior living trust fund created in section
54 35 249H.4. ~~Unless otherwise provided in this Act, moneys~~
55 1 ~~appropriated for purposes of the medical assistance program~~
55 2 ~~for the fiscal year beginning July 1, 2005, and ending June~~
55 3 ~~30, 2006, are not subject to transfer under section 8.39 or~~
55 4 ~~other provision of law except as authorized in this section.~~
55 5 Sec. 55. EFFECTIVE DATE. The following provisions of this
55 6 division of this Act, being deemed of immediate importance,
55 7 take effect upon enactment:
55 8 1. The provision amending 2005 Iowa Acts, chapter 175,
55 9 section 48.
55 10 2. The provision amending section 249H.11.
55 11 DIVISION III
55 12 MENTAL HEALTH, MENTAL RETARDATION,
55 13 DEVELOPMENTAL DISABILITIES,
55 14 AND BRAIN INJURY SERVICES
55 15 ALLOWED GROWTH FUNDING ==
55 16 FISCAL YEAR 2006=2007
55 17 Sec. 56. 2005 Iowa Acts, chapter 179, section 1,
55 18 subsection 2, paragraph a, is amended to read as follows:
55 19 a. For distribution to counties for fiscal year ~~2005=2006~~
55 20 ~~2006=2007~~ in accordance with the formula in section 331.438,

55 21 subsection 2, paragraph "b":
55 22 \$ 12,000,000
55 23 Sec. 57. 2005 Iowa Acts, chapter 179, section 1,
55 24 subsection 2, paragraph c, is amended to read as follows:
55 25 c. ~~For deposit in the risk pool created in the property~~
55 26 ~~tax relief fund and for distribution in accordance with~~
55 27 ~~section 426B.5, subsection 2 To the department of human~~
55 28 ~~services for supplementation of the appropriations made for~~
55 29 ~~the medical assistance program for the fiscal year beginning~~
55 30 ~~July 1, 2006, and ending June 30, 2007:~~
55 31 \$ 2,000,000
55 32 Sec. 58. 2005 Iowa Acts, chapter 179, section 1, is
55 33 amended by adding the following new subsections:
55 34 NEW SUBSECTION. 3. The following formula amounts shall be
55 35 utilized only to calculate preliminary distribution amounts
56 1 for fiscal year 2006=2007 under this section by applying the
56 2 indicated formula provisions to the formula amounts and
56 3 producing a preliminary distribution total for each county:
56 4 a. For calculation of an allowed growth factor adjustment
56 5 amount for each county in accordance with the formula in
56 6 section 331.438, subsection 2, paragraph "b":
56 7 \$ 12,000,000
56 8 b. For calculation of a distribution amount for eligible
56 9 counties from the per capita expenditure target pool created
56 10 in the property tax relief fund in accordance with the
56 11 requirements in section 426B.5, subsection 1:
56 12 \$ 23,925,724
56 13 c. For calculation of a distribution amount for counties
56 14 from the mental health and developmental disabilities (MH/DD)
56 15 community services fund in accordance with the formula
56 16 provided in the appropriation made for the MH/DD community
56 17 services fund for the fiscal year beginning July 1, 2006:
56 18 \$ 17,727,890
56 19 d. For distribution to counties as cost share for county
56 20 coverage of services to adult persons with brain injury in
56 21 accordance with law enacted for purposes of the coverage and
56 22 distribution:
56 23 \$ 2,426,893
56 24 NEW SUBSECTION. 4. After applying the applicable
56 25 statutory distribution formulas to the amounts indicated in
56 26 subsection 3 for purposes of producing preliminary
56 27 distribution totals, the department of human services shall
56 28 apply a withholding factor to adjust an eligible individual
56 29 county's preliminary distribution total. An ending balance
56 30 percentage for each county shall be determined by expressing
56 31 the county's ending balance on a modified accrual basis under
56 32 generally accepted accounting principles for the fiscal year
56 33 beginning July 1, 2005, in the county's mental health, mental
56 34 retardation, and developmental disabilities services fund
56 35 created under section 331.424A, as a percentage of the
57 1 county's gross expenditures from that fund for that fiscal
57 2 year. The withholding factor for a county shall be the
57 3 following applicable percent:
57 4 a. For an ending balance percentage of less than 5
57 5 percent, a withholding factor of 0 percent. In addition, a
57 6 county that is subject to this lettered paragraph shall
57 7 receive an inflation adjustment equal to 3 percent of the
57 8 gross expenditures reported for the county's services fund for
57 9 the fiscal year.
57 10 b. For an ending balance percentage of 5 or more but less
57 11 than 10 percent, a withholding factor of 0 percent. In
57 12 addition, a county that is subject to this lettered paragraph
57 13 shall receive an inflation adjustment equal to 2 percent of
57 14 the gross expenditures reported for the county's services fund
57 15 for the fiscal year.
57 16 c. For an ending balance percentage of 10 or more but less
57 17 than 25 percent, a withholding factor of 25 percent.
57 18 d. For an ending balance percentage of 25 percent or more,
57 19 a withholding percentage of 100 percent.
57 20 NEW SUBSECTION. 5. The total withholding amounts applied
57 21 pursuant to subsection 4 shall be equal to a withholding
57 22 target amount of \$4,564,576. If the department of human
57 23 services determines that the amount to be withheld in
57 24 accordance with subsection 4 is not equal to the target
57 25 withholding amount, the department shall adjust the
57 26 withholding factors listed in subsection 4 as necessary to
57 27 achieve the withholding target amount. However, in making
57 28 such adjustments to the withholding factors, the department
57 29 shall strive to minimize changes to the withholding factors
57 30 for those ending balance percentage ranges that are lower than
57 31 others and shall not adjust the zero withholding factor or the

57 32 inflation adjustment percentage specified in subsection 4,
57 33 paragraph "a".

57 34 Sec. 59. EFFECTIVE DATE. The section of this division of
57 35 this Act amending 2005 Iowa Acts, chapter 179, section 1,
58 1 subsection 2, paragraph "a", being deemed of immediate
58 2 importance, takes effect upon enactment.

58 3 DIVISION IV
58 4 MISCELLANEOUS PROVISIONS

58 5 Sec. 60. Section 225B.8, Code 2005, is amended to read as
58 6 follows:

58 7 225B.8 REPEAL.

58 8 This chapter is repealed July 1, ~~2006~~ 2011.

58 9 Sec. 61. Section 231.23, Code Supplement 2005, is amended
58 10 by adding the following new subsections:

58 11 NEW SUBSECTION. 13. Provide annual training for area
58 12 agency on aging advisory council members.

58 13 NEW SUBSECTION. 14. Establish a procedure for an area
58 14 agency on aging to use in selection of members of the agency's
58 15 advisory council required to be established pursuant to 42
58 16 U.S.C. } 3026(a)(6)(D). The selection procedure shall be
58 17 incorporated into the bylaws of the advisory council and shall
58 18 include a nomination process by which nominations are
58 19 submitted to the department, objections to a nominee may be
58 20 submitted to the department by a date certain, and if at least
58 21 twenty-five objections to a nominee are received by the
58 22 department, the nominee shall be eliminated from nomination
58 23 for that term of membership.

58 24 NEW SUBSECTION. 15. Provide oversight to ensure that the
58 25 composition of area agency on aging advisory councils complies
58 26 with the requirements of 42 U.S.C. } 3026(a)(6)(D) and the
58 27 rules of the department.

58 28 Sec. 62. Section 231.33, Code Supplement 2005, is amended
58 29 by adding the following new subsections:

58 30 NEW SUBSECTION. 19. Require the completion by advisory
58 31 council members, annually, of four hours of training, provided
58 32 by the department of elder affairs.

58 33 NEW SUBSECTION. 20. Incorporate into the bylaws of the
58 34 area agency's advisory council and comply with the procedure
58 35 established by the department for selection of members to the
59 1 advisory council as provided in section 231.23.

59 2 Sec. 63. NEW SECTION. 263.23 OBLIGATIONS TO INDIGENT
59 3 PATIENTS.

59 4 The university of Iowa hospitals and clinics shall continue
59 5 the obligation existing on April 1, 2005, to provide care or
59 6 treatment at the university of Iowa hospitals and clinics to
59 7 indigent patients and to any inmate, student, patient, or
59 8 former inmate of a state institution as specified in sections
59 9 263.21 and 263.22, with the exception of the specific
59 10 obligation to committed indigent patients pursuant to section
59 11 255.16, Code 2005.

59 12 Sec. 64. Section 249J.20, subsection 5, Code Supplement
59 13 2005, is amended to read as follows:

59 14 5. The department of human services, the department of
59 15 management, and the legislative services agency shall utilize
59 16 a joint process to arrive at an annual consensus projection
59 17 for medical assistance program and expansion population
59 18 expenditures for submission to the council. By December 15 of
59 19 each fiscal year, the council shall ~~agree to a~~ review the
59 20 consensus projection of expenditures for the fiscal year
59 21 ~~beginning the following July 1, based upon the consensus~~
59 22 ~~projection submitted.~~

59 23 Sec. 65. TRAVEL POLICY.

59 24 1. For the fiscal year beginning July 1, 2006, each
59 25 department or independent agency receiving an appropriation in
59 26 this Act shall review the employee policy for daily or short=
59 27 term travel including but not limited to the usage of motor
59 28 pool vehicles under the department of administrative services,
59 29 employee mileage reimbursement for the use of a personal
59 30 vehicle, and the usage of private automobile rental companies.
59 31 Following the review, the department or agency shall implement
59 32 revisions in the employee policy for daily or short-term
59 33 travel as necessary to maximize cost savings.

59 34 2. Each department or independent agency subject to
59 35 subsection 1 shall report to the general assembly's standing
60 1 committees on government oversight regarding the policy
60 2 revisions implemented and the savings realized from the
60 3 changes. An initial report shall be submitted on or before
60 4 December 1, 2006, and a follow-up report shall be submitted on
60 5 or before December 1, 2007.

60 6 EXPLANATION

60 7 This bill relates to and makes appropriations for health

60 8 and human services for fiscal year 2006=2007 to the state
60 9 commission of veterans affairs, the Iowa veterans home, the
60 10 department of elder affairs, the Iowa department of public
60 11 health, and the department of human services.

60 12 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
60 13 appropriates funding from the general fund of the state for
60 14 the department of elder affairs, the Iowa department of public
60 15 health, and the commission of veterans affairs.

60 16 The division appropriates funds from the gambling treatment
60 17 fund in lieu of the standing appropriation in Code section
60 18 135.150 for addictive disorders and provides for use of the
60 19 funds remaining in the fund.

60 20 The division appropriates funding from the general fund of
60 21 the state and the federal temporary assistance for needy
60 22 families block grant to the department of human services.

60 23 The bill amends 2005 Iowa Acts, chapter 175, relating to
60 24 appropriations made for health and human services for FY 2005=
60 25 2006, to allow unobligated appropriations made from the
60 26 gambling treatment fund, and from the general fund of the
60 27 state for chronic conditions and the Iowa collaborative safety
60 28 net provider network under the Iowa department of public
60 29 health, gambling treatment, the Iowa veterans home, state
60 30 supplementary assistance, a quality rating system for child
60 31 care providers, child and family services, adoption subsidy,
60 32 and the psychiatric medical institution for children at
60 33 Independence, to carry forward to the succeeding fiscal year.

60 34 In addition, 2005 Iowa Acts, chapter 175, section 29,
60 35 relating to reimbursement of nursing facilities using a case=
61 1 mix methodology, is amended to revise the excess amount
61 2 applied for those facilities with direct=care and indirect=
61 3 care costs at certain percentages below the median. The
61 4 amendments to 2005 Iowa Acts, chapter 175, take effect upon
61 5 enactment.

61 6 SENIOR TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,
61 7 IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION ACCOUNT.

61 8 This division makes appropriations for the 2006=2007 fiscal
61 9 year from the senior living trust fund to the department of
61 10 elder affairs, the department of human services, the
61 11 department of inspections and appeals, and the Iowa finance
61 12 authority.

61 13 The division makes an appropriation from the pharmaceutical
61 14 settlement account to the department of human services to
61 15 supplement the medical assistance appropriation and the
61 16 medical contraction appropriation.

61 17 The division makes appropriations to the university of Iowa
61 18 hospitals and clinics, a publicly owned acute care teaching
61 19 hospital in a county with a population over 350,000, and the
61 20 state hospitals for persons with mental illness for purposes
61 21 related to the Iowacare program and indigent care. The
61 22 division also makes an appropriation to the department of
61 23 human services from the health care transformation account for
61 24 various health care reform initiatives.

61 25 The division provides for nonreversion of assisted living
61 26 conversion grant funding that remains unexpended at the close
61 27 of FY 2004=2005 or FY 2005=2006. This section takes effect
61 28 upon enactment.

61 29 MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
61 30 DISABILITIES, AND BRAIN INJURY SERVICES ALLOWED GROWTH FUNDING
61 31 == FISCAL YEAR 2006=2007. This division relates to mental
61 32 health, mental retardation and other developmental
61 33 disabilities, and brain injury (MH/MR/DD/BI) services funding
61 34 for fiscal year 2006=2007.

61 35 The division provides for distribution of the services
62 1 funding previously appropriated for fiscal year 2006=2007 and
62 2 shifts an allocation made from that funding to the risk pool
62 3 fund to instead be used for the Medicaid program. In
62 4 addition, reallocation contingent language is included in the
62 5 allocation for brain injury services for adults in the event
62 6 law is not enacted providing for coverage of the services and
62 7 for distribution of funding commencing in fiscal year 2006=
62 8 2007.

62 9 MISCELLANEOUS PROVISIONS. This division provides
62 10 miscellaneous provisions, including the extension of the
62 11 existence of the prevention of disabilities policy council
62 12 until July 1, 2011.

62 13 The bill provides for the training and selection of members
62 14 of the area agency on aging advisory councils under Code
62 15 section 231.23 and 231.33. The bill changes the requirement
62 16 under Code section 249J.20 that the medical assistance
62 17 projections and assessment council (MAPAC) agree to a
62 18 projection of expenditures for a subsequent fiscal year and

62 19 instead requires that MAPAC review the consensus projection of
62 20 expenditures of the department of human services, the
62 21 department of management, and the legislative services agency
62 22 for the subsequent fiscal year. In new Code section 263.23,
62 23 the bill codifies language regarding the care of indigent
62 24 patients at the university of Iowa hospitals and clinics that
62 25 was formerly included in session law.
62 26 The bill includes a directive for the departments and
62 27 independent agencies receiving an appropriation in the bill to
62 28 review employee policy for daily or short-term travel and to
62 29 implement policy revisions to maximize cost savings. The
62 30 directive includes requirements for reporting to the
62 31 committees on government oversight.
62 32 LSB 5193HB 81
62 33 pf:jp/gg/14